



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W.
Washington, DC 20036-4505
(202) 804-7000

July 9, 2019

Ms. Emma Best
MuckRock News
DEPT MR 74321 411A Highland Ave.
Somerville, ME 02144-2516
Via Email: 74321-76752953@requests.muckrock.com

Re: Freedom of Information Act Request (#FOIA-2019-106)

Dear Ms. Best:

Please be advised that this is a final response to your request dated May 29, 2019, in which you asked the U.S. Office of Special Counsel (OSC) to provide you with “any and all documents in the OSC's possession that pertain to the WikiLeaks website or organization. (Date Range for Record Search: From 1/1/2006 To 5/30/2019).” Your request has been processed under the Freedom of Information Act (FOIA), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a.

OSC identified 1733 pages of responsive records. We are releasing 1067 pages to you in full, 44 pages in part, and 622 pages withheld in full pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C).

- FOIA Exemption 5 protects from disclosure inter-agency or intra-agency information that is normally protected from discovery in civil litigation based on one or more legal privileges (including, in this instance, the deliberative process and attorney work product privileges). See 5 U.S.C. § 552(b)(5).
- FOIA Exemption 6 protects information if disclosure would constitute a clearly unwarranted invasion of personal privacy. See 5 U.S.C. § 552(b)(6).
- FOIA Exemption 7(C) protects law enforcement information if disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy. See 5 U.S.C. § 552(b)(7)(C).

You have the right to appeal this determination under the FOIA. An appeal must be made in writing and sent to OSC's General Counsel at the address shown at the top of this letter or by email to FOIAappeal@osc.gov. The appeal must be received by the Office of General Counsel within ninety (90) days of the date of this letter.

If you have any questions or you require dispute resolution services, please feel free to contact Mahala Dar, OSC's Chief FOIA Officer and acting FOIA Public Liaison, at mdar@osc.gov or (202) 804-7060. Please reference the above tracking number when you call or write. Additionally, you

U.S. Office of Special Counsel
Best FOIA-2019-106
July 9, 2019
Page 2 of 2

may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer.¹

Thank you,

/s/

Mahala Dar, Esq.
Clerk

¹ Office of Governmental Information Services (OGIS), National Archives and Records Administration 8601 Adelphi Road, Room 2510, College Park, MD 20740-6001; ogis@nara.gov (Email) 202-741-5770 (Office) 1-877-684-6448 (Toll Free) 202-741-5769 (Fax)

From: Google Alerts
To: [Williamson, Leslie](#)
Subject: Google Alert - whistle-blower
Date: Wednesday, October 16, 2013 8:04:10 AM

News

10 new results for **whistle-blower**

Whistle-blower: Hospice of the Comforter settlement is unfair

Orlando Sentinel

The **whistle-blower** in a Medicare fraud case against Hospice of the Comforter claims a proposed government settlement with the Altamonte Springs-based ...

[See all stories on this topic »](#)

Whistleblower treatment 'clearly wrong'

U.TV

The suspension of a **whistleblower** from the Northern Ireland Fire and Rescue Service was clearly wrong, a Stormont committee has said.

Whistleblower ...

[See all stories on this topic »](#)



[Belfast Telegraph](#)

RSPCA **whistleblower** who accused charity of putting down healthy ...

Daily Mail

An RSPCA **whistle-blower** hanged herself after publicly accusing the charity of killing ... Aubrey said she was 'deeply distressed' by the **whistle blowing** furore.

[See all stories on this topic »](#)



[Daily Mail](#)

Extent of **whistleblower** protection goes to high court

BenefitsPro

From how far off can the lonesome **whistleblower** blow? That is a ... FMR, LLC raises the question: Does the Sarbanes-Oxley Act's **whistleblower** provision cover ...

[See all stories on this topic »](#)



[BenefitsPro](#)

The Corporate **Whistleblower** Center Now Urges Long-Term Care ...

DigitalJournal.com

The Corporate **Whistleblower** Center says, "One of the easiest ways to cheat Medicare is to charge it for services that were never rendered, and or never needed ...

[See all stories on this topic »](#)

Gazette Middyay: **Whistleblower's** appearance postponed, and is the ...

Montreal Gazette (blog)

Gazette Middyay: **Whistleblower's** appearance postponed, and is the NSA checking your email? October 15, 2013. 12:45 pm • Section: montreal@themoment.

[See all stories on this topic »](#)



[Montreal Gazette](#)

Was Washington **Whistleblower's** Layoff Retaliation?

LawyersandSettlements.com

Hanford, WA: A Washington state man who maintained a 44-year career with URS Corp. was one of five employees laid off from the firm due to

apparent ...

[See all stories on this topic »](#)



[LawyersandSettlements.com](#)

CAG had hailed ex-coal official PC Parakh as **whistleblower**

Indian Express

Former coal secretary P C Parakh, against whom the CBI has registered a FIR for alleged irregularities in allocation of two coal blocks to Kumar Mangalam ...

[See all stories on this topic »](#)



[Indian Express](#)

Aaron Swartz-Designed **Whistleblower** Tool SecureDrop Launched ...

IBTimes.co.uk

But where these pages usually require a name and email address, the encrypted SecureDrop system is completely anonymous, assigning the **whistleblower** two ...

[See all stories on this topic »](#)

NSA Collects Address Books: Video of Snowden Award Ceremony ...

Government Accountability Project (blog)

In the latest major revelation from the disclosures of NSA surveillance **whistleblower** Edward Snowden, the NSA "is harvesting hundreds of millions of contact ...

[See all stories on this topic »](#)



[New York Times](#)

Blogs

2 new results for **whistle-blower**

Wikileaks In A Box: SecureDrop Is **WhistleBlower** Communication ...

Gregory Ferenstein

In an effort to protect government whistleblowers from unprecedented levels of surveillance, the Freedom of the Press Foundation has launched SecureDrop, ...

TechCrunch

Press Freedom Group Assists Media Organizations with Installing ...

Kevin Gosztola

The Freedom of the Press Foundation (FPF), an organization committed to defending and supporting aggressive, public interest journalism has taken control.

Firedoglake

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From: Google Alerts
To: [Williamson, Leslie](#)
Subject: Google Alert - whistleblower
Date: Wednesday, October 16, 2013 8:02:23 AM

News

10 new results for **whistleblower**

[Whistleblower treatment 'clearly wrong'](#)

U.TV

The suspension of a **whistleblower** from the Northern Ireland Fire and Rescue ... related to her **whistleblowing** and it was clearly wrong," a PAC report said.

[See all stories on this topic »](#)



[Belfast Newsletter](#)

[Whistleblower suspension criticised](#)

Belfast Telegraph

A former chief fire officer who suspended a **whistleblower** after she alleged financial wrongdoing in the organisation has been accused of reprehensible ...

[See all stories on this topic »](#)

[RSPCA whistleblower Dawn Aubrey-Ward hanged herself](#)

Daily Mail

AN RSPCA **whistleblower** killed herself after publicly accusing the charity of ... Dennis Aubrey said she was 'deeply distressed' by the **whistleblowing** furor.

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[Daily Mail](#)

[RSPCA whistleblower who accused charity of putting down healthy ...](#)

Daily Mail

An RSPCA **whistle-blower** hanged herself after publicly accusing the charity of killing healthy animals, an inquest heard today. Former animal welfare officer ...

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[Daily Mail](#)

[Extent of whistleblower protection goes to high court](#)

BenefitsPro

FMR, LLC raises the question: Does the Sarbanes-Oxley Act's **whistleblower** provision cover employees of a publicly traded company's private contractors or ...

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[BenefitsPro](#)

[The Corporate Whistleblower Center Now Urges Long-Term Care ...](#)

DigitalJournal.com

The Corporate **Whistleblower** Center says, "One of the easiest ways to cheat Medicare is to charge it for services that were never rendered, and or never needed ...

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[Gazette Middy: Whistleblower's appearance postponed, and is the ...](#)

Montreal Gazette (blog)

Hello and welcome to montrealgazette.com and welcome to Middy. Here's the rundown on some of the stories we're following for you today. Star

Charbonneau ...

[See all stories on this topic »](#)



[Montreal Gazette](#)

Was Washington **Whistleblower's** Layoff Retaliation?

LawyersandSettlements.com

Hanford, WA: A Washington state man who maintained a 44-year career with URS Corp. was one of five employees laid off from the firm due to apparent ...

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[LawyersandSettlements.com](#)

CAG had hailed ex-coal official PC Parakh as **whistleblower**

Indian Express

Former coal secretary P C Parakh, against whom the CBI has registered a FIR for alleged irregularities in allocation of two coal blocks to Kumar Mangalam ...

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[Indian Express](#)

Meet the NSA-Proof Drop Box for **Whistleblowers**

TIME

A U.S. press freedom group has taken charge of Aaron Swartz's DeadDrop project, opening an open-source **whistleblower** submission system to the public.

[See all stories on this topic »](#)



[Washington Post](#)

Blogs

5 new results for **whistleblower**

Wikileaks In A Box: SecureDrop Is **WhistleBlower** Communication ...

Gregory Ferenstein

In an effort to protect government **whistleblowers** from unprecedented levels of surveillance, the Freedom of the Press Foundation has launched SecureDrop, ...
TechCrunch

Freedom of the Press Foundation takes over Aaron Swartz's ...

RT

Whistleblowers, rejoice! The Freedom of the Press Foundation is taking the helm of a secure document-submission service co-created by late computer prodigy ...
RT - Daily news

Press Freedom Group Assists Media Organizations with Installing ...

Kevin Gosztola

The Freedom of the Press Foundation (FPF), an organization committed to defending and supporting aggressive, public interest journalism has taken control.
Firedoglake

Courts Conducting the **Whistleblowing** | **Whistleblower** Law for ...

Whistleblower Law for Managers

Whistleblowing is prevalent in the news. Edward Snowden and Bradley Manning captured our attention. As more claims emerge from workplaces, additional ...
Labor & Employment Law RSS Feed | JD Supra Law News

A Day in the Life of a **Whistleblower**: Google Customer Service Fail ...

Brian Penny

Whistleblower and Anon Brian Penny argues Author Bios and Taglines with an idiot at Google...
A Day in the Life of a Whistleblower

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From: Google Alerts
To: [Williamson, Leslie](#)
Subject: Google Alert - whistleblower
Date: Monday, October 14, 2013 8:02:02 AM

News

6 new results for **whistleblower**

Whistleblower: Ambulance service is at 'breaking point'

The Bolton News

THE ambulance service is at "breaking point" and paramedics do not have time to carry out vital safety checks on vehicles, according to a **whistleblower**.

[See all stories on this topic »](#)

Snowden honored by US whistleblowers in Moscow as his father ...

Washington Post

MOSCOW — Edward Snowden burst back into the limelight Thursday after four **whistleblower** advocates from the United States met with him to give him an ...

[See all stories on this topic »](#)

Corporate Whistleblower Center Zeros In On Kickbacks In Home ...

DigitalJournal.com

According to the Corporate **Whistleblower** Center, "Medicare fraud within the home healthcare industry is rampant. Home healthcare is a huge business, and we ...

[See all stories on this topic »](#)

'Plebgate' scandal minister Andrew Mitchell was 'stitched up' by ...

Daily Mail

A cabal of police officers hatched the 'Plebgate' plot to 'stitch up' Tory chief whip Andrew Mitchell, a senior police officer has claimed. The insider, said to be a ...

[See all stories on this topic »](#)



[Daily Mail](#)

Plebgate Was 'Stich-Up' Of Andrew Mitchell, Says Police ...

Huffington Post UK

The **whistleblower** stated: "On the 18th September, 2012 Mitchell had also insisted on being let out through the main gate. Following this [officer X] said to the ...

[See all stories on this topic »](#)

Assange: Award for integrity in intelligence deserved

CCTV

WikiLeaks founder Julian Assange has said US **whistleblower** Edward Snowden deserved an award given to him earlier this week by a group of retired US ...

[See all stories on this topic »](#)



[The Guardian](#)

Blogs

5 new results for **whistleblower**

CIA Whistleblower: Obama's Plans To Destroy US And Seize Power ...

InvestmentWatch

In the 1976 movie "Network," news anchor Howard Beale proclaimed, "We're in a lot of trouble!" He

had no idea. We've watched as the Department of.
InvestmentWatch

Andrew Mitchell was set up claims **whistleblower** | Nouse

Rosie Shields

This weekend the Sunday Times went to print with new information from a senior police **whistle-blower** who asserts the ex-Cabinet Minister Andrew Mitchell, ...

Nouse

Apple co-founder thinks NSA **whistleblower** Edward Snowden is 'a ...

Anthony Garreffa

Apple co-founder Steve Wozniak thinks Edward Snowden is 'a hero,' wants to 'be truthful to the American people'

TweakTown News

The challenge of dealing with a **whistle-blower** | The Paepae

Peter Aranyi

But instead of immediately probing Blowers' movements, police management removed the **whistleblower** from the organised crime squad and placed him under ...

The Paepae

the people's republic of edward snowden nsa **whistleblower** tells his ...

Michael J. Roberts

W.C. Turck, a Chicago-based activist and playwright, has announced the premiere of The People's Republic of Edward Snowden, a comedic poke at the security ...

Showbiz Chicago

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From: whistleblowingnetwork@googlegroups.com
To: WIN
Subject: [whistleblowingnetwork] PACE resolution on national security and access to information
Date: Thursday, October 10, 2013 2:57:39 PM

Dear All:

Below is an op-ed about the PACE vote on 2 October on national security and access to information which, among other things, endorsed the Tshwane Principles. The op-ed highlights six statements in the resolution that are especially significant, most of which represent advances over prior statements by Council of Europe bodies. Best, Sandy

European Voice: [A question of public interest](#) (Op-ed by Sandy Coliver, Senior Legal Officer – Open Society Justice Initiative)

A question of public interest

European Voice

By Sandra Coliver

10 October 2013

<http://www.europeanvoice.com/article/imported/a-question-of-public-interest/78384.aspx>

A little-noticed vote in Strasbourg on 2 October is in reality a very big deal for whistleblowers, confidential sources and privacy activists.

In the vote, the Parliamentary Assembly of the Council of Europe (PACE) endorsed the 'Tshwane principles on national security and the right to information' – a set of recommendations covering, among other things, how to protect whistleblowers and journalists' confidential sources, and what to do about abusive surveillance.

The decision comes amid continuing fall-out in Europe over the US National Security Agency's internet surveillance programme, revealed by Edward Snowden, and the heavy prison sentence given to Private Bradley Manning, the source of the WikiLeaks release of US diplomatic cables and war logs.

The 50 Tshwane principles, based on international and national law and practice, offer a prism through which to view those cases, as well as grounds to urge European lawmakers not to use the rubric of 'national security' as a catch-all to keep information private that could and should be shared with the public.

They were drafted by 22 civil society and academic organisations in consultation with some 500 experts from 70 countries over two years, and completed in Tshwane, South Africa – hence the name.

Advocates for keeping secrets secret, regardless, might have tried to dismiss these experts – who include former attorneys general, military officers, and intelligence professionals – as do-gooders with lofty thoughts and little responsibility or accountability.

Now they cannot. The 318 parliamentarians who endorsed the principles have gone on record recommending the whistleblower, surveillance and access-to-information standards to their constituents – who every few years vote them in or out of office.

Their endorsement calls on all 47 governments to take the principles into account in modernising their legislation and practice.

Here is why that matters.

First, the assembly urged that “a person who discloses wrongdoings in the public interest (whistleblower) should be protected from any type of retaliation, provided he or she acted in good faith and followed applicable procedures”.

That principle makes clear that even public disclosures of classified information should not be punished in certain circumstances.

Second, the assembly stressed that “access to information should be granted even in cases normally covered by a legitimate exception, where public interest in the information in question outweighs the authorities' interest in keeping it secret”.

That principle is a statement in support of the “public-interest test”. According to a recent survey of 93 access-to-information laws around the world, while 44 include a public-interest test, only six European countries apply the test to all grounds for exception, including national security.

The PACE resolution could change the prevailing view in Europe that information about national security may be kept secret upon a government's say-so, to a presumption that all information of public interest should be disclosed, in the absence of corroboration that disclosure would cause concrete harm.

Third, the assembly listed categories of information that normally should be found to be of overriding public interest, and thus disclosed to the public, including information that could make an important contribution to public debate.

That represents an important advance because previously whistleblower protections focused on safeguarding the release of information that exposes wrongdoing. Much information of high public interest – including the bulk of Snowden's disclosures to date – does not technically disclose violations of any law.

Other principles endorsed by PACE include an emphatic statement that “public authorities, internet providers and others [should] abstain from using invasive wiretapping technologies...or from otherwise interfering with the data traffic of internet users”.

And the assembly reaffirmed the right of journalists not to be forced to disclose information that could be used to identify a source. That includes a prohibition on the use of information from surveillance, searches or seizures to identify confidential sources.

The resolution calls on European governments and legislators to take these principles “into account in modernising their legislation and practice”. The continuing public furore over Snowden's surveillance revelations suggests Europe's citizens would emphatically agree.

Sandy Coliver, a lawyer at the Open Society Justice Initiative, participated in the development of the Tshwane Principles.

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You received this message because you are subscribed to the Google Groups "whistleblowingnetwork" group.

To unsubscribe from this group and stop receiving emails from it, send an email to whistleblowingnetwork+unsubscribe@googlegroups.com.

For more options, visit https://groups.google.com/groups/opt_out.

From: Google Alerts
To: [Williamson, Leslie](#)
Subject: Google Alert - whistle-blower
Date: Monday, September 23, 2013 8:03:14 AM

News

10 new results for **whistle-blower**

Whistle-blower Edward Snowden 'wears disguise, in danger': Lawyer

Economic Times

Snowden, the 30-year-old former CIA security analyst is wanted by the United States after revealing details of massive surveillance by the National Security ...

[See all stories on this topic »](#)



[Economic Times](#)

Whistleblower in eye of the storm

Financial Times

Whistleblower in eye of the storm. Laurence do Rego has kept a low profile since her suspension as Ecobank Transnational's executive director of finance and ...

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Corporate **Whistleblower** Center Urges Pharmaceutical Insiders ...

DigitalJournal.com

The Corporate **Whistleblower** Center says, "Rewards for whistleblowers in pharmaceutical companies can be staggering. According to a May 13th 2013 ...

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The **whistleblower**: do the risks outweigh the rewards for football ...

The Courier

The **whistleblower**: do the risks outweigh the rewards for football referees? 23 September 2013 10.25am. From the top of the game to its lowest levels, football ...

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[The Courier](#)

The **Whistleblower**: Is Roughead facing grand final heartache?

The West Australian

The **Whistleblower**: Is Roughead facing grand final heartache? Craig O'Donoghue, The West Australian September 23, 2013, 8:23 am. Fremantle's preliminary ...

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[The West Australian](#)

Suspicious handling of Napoles, **whistle-blower**

Inquirer.net

Why is Benhur Luy, the so-called **whistle-blower** of the P10-billion pork barrel scam, not allowed to name those involved in the scam? We understand he had to ...

[See all stories on this topic »](#)

Sebi mulls new norms for CEO pay, **whistleblower** policy: report

indiatvnews.com

New Delhi: In a major overhaul of corporate governance norms, the Securities and Exchange Board of India (Sebi) will soon put in place stringent checks ...

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Sebi mulls bringing new norms for CEO pay, **whistleblower** policy

Indian Express

In a major overhaul of corporate governance norms, Sebi will soon put in place stringent checks against unjustifiable CEO salaries at listed companies and ask ...

[See all stories on this topic »](#)

[NSW abuse inquiry back in Newcastle](#)

Newcastle Herald

WHISTLEBLOWER: Peter Fox, whose open letter to the Premier got the ball ... Representatives for **whistleblower** Detective Chief Inspector Fox, Newcastle ...

[See all stories on this topic »](#)

[WikiLeaks leaks 'Fifth Estate' script](#)

USA TODAY

The **whistleblower** website calls the movie "irresponsible, counterproductive and harmful." **cumber**. Benedict Cumberbatch stars in 'The Fifth Estate,' out in ...

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[MiamiHerald.com](#)

Blogs

2 new results for **whistle-blower**

[TransCanada **Whistleblower** Evan Vokes Details Lack of ...](#)

Julie Dermansky

Originally published by The Progressive. Evan Vokes never gave any thought to whistleblowers before realizing he would need to blow a shrill blast against his ...

DeSmogBlog

[Corp governance: New norms for CEO pay. **whistleblower** policy ...](#)

hidden

In a major overhaul of corporate governance norms, Sebi will soon put in place stringent checks against unjustifiable CEO salaries at listed companies and ask ...

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Sebi to issue norms on CEO pay, **whistleblower** protection

domain-B

The Securities and Exchange Board of India (Sebi) will soon issue guidelines to listed companies on fixing salaries and perquisites of chief executives and put in ...

[See all stories on this topic »](#)



[domain-B](#)

De Lima: It's up to Ombudsman to decide on **whistleblowers**' Senate ...

GMA News

Justice Secretary Leila de Lima on Monday said it is up to Ombudsman Conchita Carpio Morales to decide whether to allow **whistleblowers** to continue ...

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WikiLeaks leaks 'Fifth Estate' screenplay

Danbury News Times

The **whistleblower** website posted a memo calling the movie "irresponsible, counterproductive and harmful." The film, due out Oct. 18, chronicles the birth of ...

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[NME.com](#)

Competition Bureau Introduces Criminal Cartel **Whistleblowing** ...

Mondaq News Alerts (registration)

In remarks delivered to the Canadian Bar Association, Commissioner of Competition John Pecman (then interim Commissioner) announced a new ...

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NSW abuse inquiry back in Newcastle

Newcastle Herald

WHISTLEBLOWER: Peter Fox, whose open letter to the Premier got the ball ... Representatives for **whistleblower** Detective Chief Inspector Fox, Newcastle ...

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Blogs

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Firstpost

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From: FAIR (Federal Accountability Initiative for Reform)
To: [Cohen, Mark](#)
Subject: FAIR Monthly Headlines: July/August 2013
Date: Thursday, September 5, 2013 10:26:57 AM

Federal Accountability Initiative for Reform



FAIR Monthly Headlines: July/August 2013

A selected list of articles added to the FAIR website last month. These are about whistleblowing, whistleblowers, and the types of wrongdoing that they typically expose.

EI whistleblower suspended without pay

Topics: [Whistleblowers](#), [Government ethics](#)

CBC News – July 20, 2013

A federal fraud investigator has been suspended without pay, after she leaked documents showing that investigators had to cut people off their employment insurance benefits in order to meet quotas.

Sylvie Therrien told CBC News that she and other investigators were given a target to recover nearly \$500,000 in EI benefits every year. "It just was against my values, harassing claimants... trying to penalize them in order to save money for the government. We had quotas to meet every month," Therrien said.

Suspension of EI whistleblower sets dangerous precedent, critics say

Topics: [Whistleblowers](#), [Reprisals](#)

Laura Kane – Jul 22, 2013

The suspension of a federal fraud investigator who exposed a Conservative crackdown on EI recipients sets a dangerous precedent for government whistleblowers, critics say.

Sylvie Therrien was suspended without pay in May for leaking documents to the media in February that revealed the government had told investigators to find about \$485,000 in EI fraud every year.

Opinion: protect Manitoba whistleblowers who protect public good

From: Google Alerts
To: [Williamson, Leslie](#)
Subject: Google Alert - whistleblower
Date: Friday, August 23, 2013 8:01:41 AM

News

10 new results for **whistleblower**

Biogenesis **whistleblower** appears at grand jury

Sault Star

Biogenesis **whistleblower** Porter Fischer turned over much-anticipated documents while appearing at a grand jury in Miami in the past week, according to ESPN.

[See all stories on this topic »](#)

Whistleblower: Lilly spent \$4.9M bribing Chinese docs to prescribe ...

FiercePharma

Another Chinese **whistleblower** has targeted Big Pharma. This time, the bribery allegations involve Eli Lilly, and 30 million yuan in purported kickbacks to ...

[See all stories on this topic »](#)

Noted banking **whistle-blower** Bradley Birkenfeld risks return to jail

CNN

Washington (CNN) -- The IRS paid him \$104 million for providing information as a **whistle blower** to prosecute banking giant UBS AG, and upended centuries of ...

[See all stories on this topic »](#)

Whistleblower's Breathtaking Sentence: Manning Gets 35 Years in ...

TakePart

Pfc. Bradley Manning is the seventh government **whistleblower** to be charged with espionage by the Obama administration: more than all other presidential ...

[See all stories on this topic »](#)



[TakePart](#)

Whistleblower Bradley Manning jailed for 35 years but could be free ...

Daily News & Analysis

Maryland Bradley Manning was jailed for 35 years on Wednesday for the largest intelligence leak in US history, but WikiLeaks claimed a "strategic victory" after it ...

[See all stories on this topic »](#)

Whistleblower Bradley Manning jailed for 35 years, may be out in ...

Irish Independent

Bradley Manning, the former US Army intelligence analyst, was jailed for 35 years last night for the largest intelligence leak in US history, but WikiLeaks claimed ...

[See all stories on this topic »](#)



[Irish Independent](#)

Whistleblower Bradley Manning Sentenced to 35 Years

The New American

Reactions to the sentence handed down on Wednesday by Military Judge Denise Lind were immediate: "We'll keep fighting for you, Bradley! You're our hero!"

[See all stories on this topic »](#)

Whistleblower Manning sentenced to 35 years in jail

Middle East Online

"If he were my client at this point, I would tell him that the current environment is not one that is friendly to **whistleblowers**," Coombs said, when asked if Snowden ...
[See all stories on this topic »](#)

[Readers speak out on **whistleblowers**, charitable giving, divisions at ...](#)

Washington Post

A column about the lack of **whistleblower** protections for federal contractors drew ... Thank you so very much for setting the record straight about **whistleblower** ...

[See all stories on this topic »](#)

[WikiLeaks **whistleblower** Bradley Manning gets 35 years](#)

The Courier

The closely watched case has seen the 25-year-old called both a **whistleblower** and a traitor. Amnesty International and the Bradley Manning Support Network ...

[See all stories on this topic »](#)



[The Courier](#)

Blogs

5 new results for **whistleblower**

[Whistleblower by Political Cartoonist Martin Kozlowski](#)

Martin Kozlowski

Whistleblower, Political Cartoons, Comics, Editorial Commentary on the latest news, politics, cartoon memes and events around the world.

Cagle.com Premium Cartoon News

[Biogenesis **whistleblower** turns over documents to grand jury ...](#)

AHN

Fitzgerald Cecilio - 4E Sports Reporter Miami, FL, United States (4E Sports) - Porter Fischer, the **whistleblower** in the Biogenesis clinic scandal, has.

GantDaily.com

[The **whistleblower's** mad moral courage | Christopher Yates](#)

CM Network

The **whistleblower's** mad moral courage | Christopher Yates. 22 August 2013. 0. You've got to be a little sick in the head to take a moral stand. Even more so if ...

Connecting Minds Network

[The BRAD BLOG : Bradley Manning Sentenced to 35 Years After ...](#)

Brad Friedman

It earned him the longest sentence ever for such a **whistleblower** and helped kick off more prosecutions of government **whistleblowers** than any other ...

The BRAD BLOG

[Matron: **Whistleblower's** Weltschmerz](#)

Matron

While much has been written about the role of **whistleblowers**, the need for them and the legal protections they should or shouldn't enjoy, very little has been ...

Matron

Web

1 new result for **whistleblower**

[US army **whistleblower** Bradley Manning sentenced to 35 years in ...](#)

world news - US army private Bradley Manning has been sentenced to 35 years in prison for passing classified documents to whistle blowing platform WikiLeaks ...
www.euronews.com/.../us-army-whistleblower-bradley-manni...

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News

10 new results for **whistle-blower**

9th **whistle-blower** vs Napoles surfaces

Inquirer.net

Six of the **whistle-blowers** led by Merlina Suñas were present Thursday during the Inquirer's interview of the ninth **whistle-blower**. They corroborated the new ...

[See all stories on this topic »](#)

Biogenesis **whistleblower** appears at grand jury

Sault Star

Biogenesis **whistleblower** Porter Fischer turned over much-anticipated documents while appearing at a grand jury in Miami in the past week, according to ESPN.

[See all stories on this topic »](#)

Whistleblower suit: Hospitals defrauded Medicaid

WFLI.com

ATLANTA (AP) — Two large hospital operators paid kickbacks to clinics that directed expectant mothers living in the country illegally to their hospitals and filed ...

[See all stories on this topic »](#)

Whistleblower: Lilly spent \$4.9M bribing Chinese docs to prescribe ...

FiercePharma

Another Chinese **whistleblower** has targeted Big Pharma. This time, the bribery allegations involve Eli Lilly, and 30 million yuan in purported kickbacks to ...

[See all stories on this topic »](#)

Noted banking **whistle-blower** Bradley Birkenfeld risks return to jail

CNN

Washington (CNN) -- The IRS paid him \$104 million for providing information as a **whistle blower** to prosecute banking giant UBS AG, and upended centuries of ...

[See all stories on this topic »](#)

Ruling hurts **whistle-blowers**

DesMoinesRegister.com

An Iowa court decision handed down Wednesday appears to protect people who retaliate against **whistle-blowers** if the conduct occurs before the employee can ...

[See all stories on this topic »](#)

Whistleblower's Breathtaking Sentence: Manning Gets 35 Years in ...

TakePart

Pfc. Bradley Manning is the seventh government **whistleblower** to be charged with espionage by the Obama administration: more than all other presidential ...

[See all stories on this topic »](#)



[TakePart](#)

Whistleblower Bradley Manning jailed for 35 years but could be free ...

Daily News & Analysis

Maryland Bradley Manning was jailed for 35 years on Wednesday for the largest intelligence leak in US history, but WikiLeaks claimed a "strategic victory" after it ...

[See all stories on this topic »](#)

Whistleblower [Bradley Manning jailed for 35 years, may be out in ...](#)

Irish Independent

Bradley Manning, the former US Army intelligence analyst, was jailed for 35 years last night for the largest intelligence leak in US history, but WikiLeaks claimed ...

[See all stories on this topic »](#)



[Irish Independent](#)

Whistleblower [Bradley Manning Sentenced to 35 Years](#)

The New American

Reactions to the sentence handed down on Wednesday by Military Judge Denise Lind were immediate: "We'll keep fighting for you, Bradley! You're our hero!"

[See all stories on this topic »](#)

Blogs

3 new results for **whistle-blower**

"Chelsea Manning": Dummies get behind the whistle-blower

PJ-Comix

Bush, Cheney, and Rummy: war criminals, and they remain free. Bradley Manning: **whistle-blower**, and he gets sentenced to 35 years in prison. Where is the ...

DUmmie FUnnies

Biogenesis whistleblower turns over documents to grand jury ...

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US army whistleblower Bradley Manning sentenced to 35 years in ...

world news - US army private Bradley Manning has been sentenced to 35 years in prison for passing classified documents to **whistle blowing** platform WikiLeaks ...

www.euronews.com/.../us-army-whistleblower-bradley-manni...

Heroic whistleblower addresses gender publicly: ready to move on ...

fteadesmall The Army private and WikiLeaks **whistle-blower** formerly known as Bradley Manning announced, in a statement via lawyer David Coombs, the ...

www.bradleymanning.org/.../heroic-whistle-blower-addresses-...

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News

10 new results for **whistle-blower**

Police **whistle-blower** case returns

San Francisco Chronicle

"The First Amendment generally protects public employee **whistle-blowers** from government retaliation," Judge Richard Paez wrote for a 9-2 majority that ...

[See all stories on this topic »](#)

Judge rejects **whistleblower** claims of DC officers stemming from ...

Washington Post

WASHINGTON — A judge has rejected a **whistleblower** lawsuit brought by three D.C. police officers over drunken driving enforcement. The officers alleged that ...

[See all stories on this topic »](#)

Settlement in charter school **whistle-blower** suit

Philly.com

A former charter school administrator who alleged that she was wrongfully fired the day after the school was raided by federal agents has settled her ...

[See all stories on this topic »](#)

Whistleblower Lawyer Comments on Surge in Hospice Fraud Cases

DigitalJournal.com

Whistleblower lawyer Theresa A. Vitello from the national qui tam law firm Levy Phillips & Konigsberg LLP ("LPK") has commented on a recent surge in the ...

[See all stories on this topic »](#)

grand jury calls Biogenesis **whistleblower**

New York Daily News

Biogenesis **whistleblower** Porter Fischer was summoned last week before a Miami federal grand jury investigating the now-defunct South Florida anti-aging ...

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[New York Daily News](#)

Corporate **Whistleblower** Center Expands Their Medicare Fraud ...

DigitalJournal.com

The Corporate **Whistleblower** Center says, "We are very focused on big ticket items related to Medicare fraud because the **whistleblower** rewards can be gigantic ...

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Judge Hears Arguments in Siemens **Whistleblower** Case

Wall Street Journal

A federal judge held off on ruling in the latest in a line of cases that asks: who counts as a **whistleblower**? But William Pauley III, a federal judge in the Southern ...

[See all stories on this topic »](#)

Whistleblower Manning sentenced to 35 years in jail

Ghana Broadcasting Corporation

Whistleblower Manning sentenced to 35 years in jail ... sentenced to 35 years in prison for passing classified documents to **whistle blowing** platform WikiLeaks.

[See all stories on this topic »](#)

By-the-book **whistleblower** pays big price

HeraldNet

WASHINGTON -- President Obama, in his news conference this month, said that Edward Snowden was wrong to go public with revelations about secret ...

[See all stories on this topic »](#)

Appeal court overturns Iowa State **whistleblower** verdict

DesMoinesRegister.com

An appeals court rejected part of a jury's verdict in the **whistleblower** case of a former Iowa State University employee awarded more than \$1.25 million in ...

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Blogs

6 new results for **whistle-blower**

Daily Meme: The **Whistleblower** Chronicles - The American Prospect

Jaime Fuller

It's been a busy week for those on the NSA beat. First, the partner of Glenn Greenwald—the Guardian reporter who's worked closely with **whistleblower** Edward ...
The American Prospect

Wikileaks **whistleblower** Manning sentenced to 35 years in prison ...

Chloe Benoist

US Army Private and **whistleblower** Bradley Manning was sentenced to 35 years in prison and dishonorably discharged Wednesday for revealing secret ...
Al Akhbar English

Court: ISU worker didn't prove **whistleblower** claim - News and ...

An appeals court says a former Iowa State University employee was the victim of an outrageous and vicious harassment campaign by his superiors, but he failed ...
KWQC - KWQC-TV6 Home

GAP's **Whistleblower** Whiplash | MyFDL

MSPB Watch

Two developments in the **whistleblower** world caught the Government Accountability ... Last year Congress unanimously passed the **Whistleblower** Protection ...
mspbwatch's FDL blog

SEC **Whistleblower** and the Fake Insider Trading Crackdown ...

InvestmentWatch

Here's what's in your Prime Interest today: Eric Holder, the US Attorney General, is cracking down on Wall Street -- according to himself, anyway. He said.
InvestmentWatch

Dahlia wins big on the **whistleblower** protection issue | Burbank ...

semichorus

The full-panel U.S 9th Circuit Court of Appeals today reversed a previous three-judge ruling and said that BPD Office Angelo Dahlia can proceed with his ...
Burbank, California

Web

3 new results for **whistle-blower**

'Degrading': CNN labels journalist Glenn Greenwald a '**whistleblower**'

The Guardian's Glenn Greenwald received a promotion of sorts tonight when Anderson Cooper and CNN elevated him from journalist to "**whistleblower**" for his ...
twitchy.com/.../degrading-cnn-labels-journalist-glenn-greenwa...

Intel Contractors' **Whistleblower** Rights Are a Work in Progress ...

Snowden didn't have to go to the public, protections were available, White House maintains.
www.govexec.com/oversight/2013/08/intel...are.../69026/

CCR Condemns Manning Sentence, **Whistleblower** Should Have ...

We are outraged that a **whistleblower** and a patriot has been sentenced on a conviction under the Espionage Act. The government has stretched this archaic ...
www.ccrjustice.org/.../ccr-condemns-manning-sentence,-whistl...

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Whistleblowers To Get Police Security Immediately Maha Govt

Siliconindia.com

Pune: Social workers, Right to Information activists and **whistleblowers** who receive threat will now be given police protection immediately, the Maharashtra ...

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grand jury calls Biogenesis **whistleblower**

New York Daily News

Biogenesis **whistleblower** Porter Fischer was summoned last week before a Miami federal grand jury investigating the now-defunct South Florida anti-aging ...

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[New York Daily News](#)

Settlement in charter school **whistle-blower** suit

Philly.com

... school administrator who alleged that she was wrongfully fired the day after the school was raided by federal agents has settled her **whistle-blower** suit.

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Corporate **Whistleblower** Center Expands Their Medicare Fraud ...

DigitalJournal.com

The Corporate **Whistleblower** Center says, "We are very focused on big ticket items related to Medicare fraud because the **whistleblower** rewards can be gigantic ...

[See all stories on this topic »](#)

Whistleblower Bradley Manning Gets 35 Years In Prison

News Talk Florida

A military judge on Wednesday morning sentenced Pfc. Bradley Manning to 35 years in prison for leaking hundreds of thousands of classified documents to the ...

[See all stories on this topic »](#)

Milbank: Snowden Right Not to Trust **Whistleblower** Law

Newsmax.com

NSA leaker Edward Snowden was right not to trust federal **whistleblower** laws with his complaints that the agency was overstepping its bounds with its ...

[See all stories on this topic »](#)

US **whistleblower** Manning sentenced to 35 years in jail

FRANCE 24

A judge has sentenced former US soldier Bradley Manning to 35 years in prison on Wednesday at a military court in Maryland. Manning leaked information to ...

[See all stories on this topic »](#)



FRANCE 24

Blogs

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KWQC - KWQC-TV6 Home

'Travesty of justice': **Whistleblower** Bradley Manning sentenced to 35 ...

rabble staff

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rabble.ca

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InvestmentWatch

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InvestmentWatch

Michigan **Whistleblower** Suit Heads to Federal Court | Fire Law

Curt Varone

A Michigan fire chief who filed a state court **whistleblower** lawsuit in July following his termination in April, is now headed to federal court, courtesy of the city's ...

Fire Law

Web

2 new results for whistleblower

Intel Contractors' **Whistleblower** Rights Are a Work in Progress ...

Snowden didn't have to go to the public, protections were available, White House maintains.

www.govexec.com/oversight/2013/08/intel...are.../69026/

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To: [Everybody](#)
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OSC News Clips

July 30, 2013

Hatch Act News

Political activities rule changes to be proposed for federal employees

Washington Post, July 23, 2013

Federal employees who violate restrictions on partisan political activities no longer would face firing by default, under proposed rules set for publication Wednesday. Rules from the Office of Personnel Management would carry out changes to the Hatch Act enacted last year, the first major overhaul of those policies in nearly two decades.

Under prior policy, employees were automatically fired for violations, a penalty that could be reduced only to an unpaid 30-day suspension on appeal to the Merit Systems Protection Board. Under the proposed rules, penalties for violations could include reprimands, shorter suspensions, reduction in grade, a civil penalty of up to \$1,000, firing and debarment from federal employment for five years.

Dougherty attorney alleges election law, Hatch Act violations

The Livingston County News, July 21, 2013

Kevin Van Allen, counsel for the Tom Dougherty For Sheriff campaign team, told The County News on Monday that he is, "investigating and intends to pursue all available legal remedies" pertaining to civil rights, federal Hatch Act and state election law violations which, Van Allen alleges, have been taking place through directives from Sheriff John York and his administration.

USERRA News

Returning war on terror military veterans find promised jobs are gone and, despite laws, no legal help for getting rehired

International Business Times, July 12, 2013

When they came home, they expected to pick up life where they had left off. A law called the Uniformed Services Employment and Reemployment Act, or USERRA, was

supposed to help ensure that happened.

But while the burden is heavy, willfully violating USERRA can lead to double damages being awarded. In some cases, smaller companies file for bankruptcy to avoid the payouts, once again leaving the Reserve or Guard personnel with few or no avenues for compensation for their troubles, and in some cases leaving them with bills to pay.

Whistleblower News

Manning is acquitted of 'Aiding the Enemy'

New York Times, July 30, 2013

A military judge on Tuesday found Pfc. Bradley Manning not guilty of aiding the enemy, but convicted him of multiple counts of violating the Espionage Act.

Private Manning had already confessed to being WikiLeaks' source for a huge cache of government documents, which included videos of airstrikes in which civilians were killed, hundreds of thousands of front-line incident reports from the Afghanistan and Iraq wars, dossiers on men being held without trial at the Guantánamo Bay prison, and about 250,000 diplomatic cables.

How the Bradley Manning verdict avoided a serious chill on whistleblowing

National Journal, July 30, 2013

On Tuesday, Judge Col. Denise Lind convicted Army Pfc. Bradley Manning of many major charges, but Manning dodged the big one: "aiding the enemy." That charge would have come with a possible life sentence. The conviction still includes 5 charges under the Espionage Act, and Manning could face a long sentence of over 100 years. Manning had previously pled guilty to 10 of the lesser 22 charges against him, pleading not guilty to the most serious, aiding the enemy charge. The full extent of the conviction is still coming in from the court. Sentencing in the case will begin Wednesday morning.

But the biggest news may be the lack of an aiding the enemy conviction, which could have resulted in a dramatic legal precedent.

After the whistle: Revelers of government secrets share how their lives have changed

Washington Post, July 29, 2013

He eventually found some work as a consultant, helping to start and run the FBI's counterproliferation program out of Sandia National Laboratories. Meanwhile, he has been trying for years to collect the \$89,500 annual pension and health insurance that he thinks he is owed.

Much of what he tried to report about Pakistan's nuclear program is common knowledge today, and several national security bestsellers have included his story, including George Crile III's 2003 book "Charlie Wilson's War: The Extraordinary Story of the Largest Covert Operation in History," which describes Barlow as a "brilliant young analyst who gave devastating testimony."

--

John J. Lapin

Assistant to the Special Counsel

U.S. Office of Special Counsel

1730 M Street, N.W., Suite 300

Washington, D.C. 20036

Phone: (202) 254-3611

Fax: (202) 254-3711

From: FAIR (Federal Accountability Initiative for Reform)
To: [Cohen, Mark](#)
Subject: FAIR Monthly Headlines: June 2013
Date: Thursday, July 11, 2013 3:40:12 AM

Federal Accountability Initiative for Reform



FAIR Monthly Headlines: June 2013

A selected list of articles added to the FAIR website last month. These are about whistleblowing, whistleblowers, and the types of misconduct that they typically expose.

Four in 10 Canadians have witnessed wrongdoing at work

Topics: [Corruption](#), [Research](#), [Corporate ethics](#), [Government ethics](#)

July 7, 2013

More than four in 10 Canadians have witnessed wrongdoing at work, including bribery, fraud and cooking of financial results, and nearly half didn't report it, according to a poll on workplace ethics.

Nine per cent of those surveyed in the poll by Ipsos-Reid said they had witnessed "bribery and corruption," while 11 per cent said they had witnessed "misrepresentation of company results," including things such as cooking of financial books.

Canada slow to protect whistleblowing spies, soldiers

Topics: [National security](#), [CSIS & CSEC](#), [Whistleblowers](#)

Amber Hildebrandt – June 17, 2013

Six years after Canada's three most secretive agencies were supposed to set up a way to protect whistleblowers reporting wrongdoing within their ranks, they have finally all complied.

The national security and intelligence departments — the Canadian Forces, the Canadian Security Intelligence Service (CSIS) and Communications Security Establishment Canada (CSEC) — were exempted from a whistleblower protection law that came into force for federal government employees in early 2007.

Snitch or hero: Modern whistleblowers still aren't getting much respect

Topics: [USA](#), [National security](#), [Whistleblowers](#)

Randy Boswell – June 14, 2013

As the world wrestles with the hero-or-traitor conundrum posed by ex-CIA technician Edward Snowden and his bombshell revelations about U.S. government surveillance of citizens' email and phone traffic, longtime promoters of the whistle-blowing movement — a now-global phenomenon launched by American political activist Ralph Nader in 1971 — are defending the informant ethic as a noble instinct and a crucial check on corruption, corporate malfeasance, excessive secrecy and other abuses of power in modern democracies.

But where some see personal courage and a sterling sense of civic duty on display in the secrecy breach at the U.S. National Security Agency, critics of whistleblowers such as Snowden, WikiLeaks founder Julian Assange and Bradley Manning, the U.S. soldier now on trial for his massive leak of classified American diplomatic dispatches, instead see a betrayal of trust, reckless glory-seeking and even the aiding of terrorists and other “enemies of the state.”

CJSR Radio Edmonton: David Hutton on new whistleblowing report

Topics: [Alberta](#), [Legislation](#), [Audio](#), [David Hutton](#) David Hutton, executive director of FAIR

CJSR-FM Edmonton – May 22, 2013

Matt Hirji of Edmonton University campus radio station CJSR-FM interviews David Hutton about the government's new whistleblowing law and Hutton's recently-published paper about whistleblower protection in Alberta.

The Parkland Institute has just published a research paper written by Hutton entitled *Shooting the Messenger: The Need for Effective Whistleblower Protection in Alberta*. This confirms earlier suspicions that Alberta's new whistleblowing law is very weak – essentially worthless – and, based on a study of other jurisdictions, sets out what needs to happen in Alberta to get effective laws passed.

Opinion: Redford's government will have blood on its hands

Topics: [Alberta](#), [Legislation](#)

David Hutton – June 13, 2013

On Saturday 1st June the Redford Government's whistleblower protection law came into force, accompanied by a host of claims about what excellent legislation this is and what it will accomplish. We completely disagree: our detailed analysis shows that this is by far the worst whistleblowing law in Canada – and that's saying something. The others are not working properly, and neither will this one.

However, Albertans don't need to study these conflicting claims or become experts in the law in order to make up their minds. All they have to do now is wait and see what happens.

Small Steps Forward, BIG STEPS BACK

Topics: Whistleblowers

Arnold Amber – May 2013

Whistleblowers continue to face tremendous hardship

There have been a few steps forward for whistleblowing in Canada over the past year, but we have fallen backward in developing solid conditions to encourage the practice in the public's interest and in protecting those who are brave enough to report malfeasance where they work.

Often, heralded improvement doesn't stand deeper scrutiny and is analyzed as having more sizzle than substance. The new whistleblower legislation passed in Alberta, which came into effect Dec. 10, 2012, is a vivid example. And when individuals persevere in their determination to see wrongdoing stopped, most are chastised, vilified, fired from their jobs and unable to work in their industry or field anymore.

TransCanada Whistleblower Warns Of Shoddy Pipeline Practices

Topics: Oil & gas industry, Whistleblowers

Lynne Peebles – June 11, 2013

Former TransCanada Corp. employee Evan Vokes' impassioned testimony before a Canadian Senate committee last week painted "a very, very bleak picture of the pipeline industry in Canada, and probably by extension, the States," according to Sen. Betty Unger.

Vokes' allegations on Thursday against TransCanada, the Canadian company leading the controversial proposal to send tar sands oil from Alberta to the Gulf Coast via the Keystone XL pipeline, were sobering: a "culture of noncompliance" and "coercion," with "deeply entrenched business practices that ignored legally required regulations and codes" and carries "significant public safety risks."

TransCanada has a 'culture of non-compliance': engineer to Senate committee

Topics: Oil & gas industry, Public health & safety, Environment, Whistleblowers

Andrew Nikiforuk – June 7, 2013

Evan Vokes, a pipeline safety whistleblower and materials engineer, told a Canadian

Senate committee yesterday that TransCanada Corporation "has a culture of non-compliance," but the company says it takes "great exception" to Vokes' claims that it does not take safety and compliance issues seriously.

Calgary-based TransCanada is the proponent of the Keystone XL pipeline to ferry raw bitumen to the Gulf of Mexico. The multi-billion dollar pipeline would accelerate tar sands production, which on a per barrel basis creates three to four times more climate-changing emissions than conventional oil.

Integrity commissioner finds case of wrongdoing at Crown corporation

Topics: [PSIC](#), [Integrity Commissioner](#), [Mario Dion](#)

Steve Rennie – June 6, 2013

The former head of a Crown corporation that oversees a major trade link between Canada and the United States wasted taxpayers' money by awarding a pair of overly generous severance packages to a married couple.

The Public Service Integrity Commissioner's office found Charles Chrapko, then president and chief executive officer of Blue Water Bridge Canada, awarded a total of \$650,000 in severance — well above what was considered appropriate compensation.

Speaking out may have cost Blue Water Bridge whistleblowers their jobs

Topics: [PSIC](#), [Reprisals](#), [Integrity Commissioner](#)

Tobi Cohen – June 21, 2013

A spending scandal at a key international bridge between Ontario and Michigan appears to be far from over. Weeks after Canada's Public Sector Integrity Commissioner admonished Blue Water Bridge Canada's former CEO Chuck Chrapko for misusing public funds and awarding \$650,000 in severance to a pair of managers, the NDP and others close to the matter suggest those who blew the whistle on the scheme may have been fired for speaking out.

Chief Financial Officer David Joy, vice-president of operations Stan Korosec and two other lower level staffers were cut loose in March, supposedly as part of a planned downsizing. But while board chairman Marcel Beaubien insists the dismissals aren't connected to the controversy over inappropriate severance payments, some are now suggesting otherwise.

Federal integrity commissioner probing hirings by Cape Breton development agency

Topics: [Nova Scotia](#), [PSIC](#), [Integrity Commissioner](#)

Michael Tutton – June 18, 2013

A letter from the federal integrity commissioner says the chief executive of an economic development agency in Cape Breton is being investigated for alleged patronage appointments.

Mario Dion, commissioner of the Office of Public Sector Integrity, wrote that his office launched the inquiry into four hirings by John Lynn, chief executive of Enterprise Cape Breton Corp., following a complaint by Liberal MP Gerry Byrne.

Integrity Commissioner found nothing wrong with forced injections on Ashley Smith: document

Topics: [Mario Dion](#)

Laura Stone – May 30, 2013

Before his job was to investigate wrongdoing in the public sector, it appears Integrity Commissioner Mario Dion saw nothing wrong with injecting drugs into teenage inmate Ashley Smith against her will. And now the doctor he based a majority of his report on says she didn't have all the facts at the time.

Global News has obtained Dion's 2010 report about Smith, the 19-year-old inmate who choked herself to death in a prison cell in 2007, as guards, on orders not to enter, stood by and watched. It was written by Dion three months before he was appointed by Prime Minister Stephen Harper as the interim public sector integrity commissioner, a position made permanent in December 2011.

Irish 'Whistleblower' bill published after six-year campaign

Topics: [Europe](#), [Legislation](#), [Transparency International](#)

Transparency International Ireland – July 3, 2013

Transparency International Ireland (TI Ireland) has welcomed the publication of the Protected Disclosures Bill 2013 today. The Bill will for the first time offer legal protections for workers in Ireland who report concerns about wrongdoing in the public, private and non-profit sectors.

Since 2007, TI Ireland has highlighted the absence of blanket safeguards for whistleblowers as a reason for low levels of reporting in Irish banks, the health service and public bodies. It is now hoped that the safeguards will help create a safer environment in which workers can report wrongdoing and a way for employers and regulators to act on information quickly.

Australian national whistleblowing bill a historic step forward

Topics: Australia, Legislation

Prof. A.J. Brown – June 19, 2013

Australia's first national whistleblower protection law takes the country a long way towards world's best practice under extensive amendments introduced today by the Gillard Government to its *Public Interest Disclosure Bill 2013*, according to Australia's top whistleblowing law expert.

Griffith University professor of public policy and law, A J Brown, called on all parties to see that the bipartisan-backed Bill is passed in the remaining days of parliament.

Montreal's mayor, self-styled corruption fighter, arrested on bribery charges

Topics: Quebec, Corruption, Political misconduct

June 17, 2013

The same Montreal interim mayor who cast himself just a few months ago as the man to lead the city out of its myriad corruption scandals has now been arrested as part of a bribery case.

Mayor Michael Applebaum was picked up at his home Monday by Quebec's anti-corruption unit in an investigation tied to real-estate deals that media reports have linked to Mafia figures, in a probe that also involves the suicide of a public official.

Former top-ranking Quebec cop charged in spending scandal

Topics: Quebec, Policing, Corruption

Eric Thibault – June 4, 2013

A former top-ranking Quebec provincial police officer was arrested this week for allegedly receiving payments from a secret expense fund. Denis Despelteau, 61, faces counts of fraud, breach of trust, forging documents and theft from the government, according to an arrest warrant obtained by QMI Agency.

Investigators believe Despelteau was paid under the table from the account for consulting work following his retirement. The alleged offences occurred between January 1, 2011, and December 31, 2012. Despelteau, a former chief staff inspector, was to be arraigned on Tuesday.

Monsanto gives up on GMO approvals in Europe

Topics: GMO, Monsanto, Regulatory oversight, Food industry, Europe

CBC News – June 3, 2013

Monsanto, the world's largest producer of agricultural seeds and a giant in the field of agricultural biotechnology, is halting its efforts to lobby European governments to allow the cultivation of its genetically modified plants and seeds, a German newspaper has reported.

The Berlin newspaper Tageszeitung (Taz) reported last week that Monsanto, which produces seeds, herbicides and other agricultural products and whose name has become synonymous with all things GMO, won't be pursuing licences for any new genetically modified plants or doing any new field trials of GMO seeds in most parts of western Europe.

Connecticut first in USA to pass GMO labeling bill

Topics: [USA](#), [GMO](#), [Food safety](#)

Jacqueline Wattles – June 3, 2013

A bill that would mandate labels on foods that contain genetically modified ingredients passed the House Monday, making Connecticut the first state in the nation to pass this type of legislation.

Genetically modified organisms, or GMOs, are crops that have been manually altered using modern technology in order to be resistant to herbicides and pesticides or take on other characteristics such as a longer shelf-life. Connecticut's legislation came in response to a national campaign to mandate labels on foods that contain GMOs.

Unapproved GMO wheat found on Oregon farm raises contamination concerns

Topics: [USA](#), [GMO](#), [Monsanto](#), [Food safety](#)

May 30, 2013

Genetically engineered (GE) winter wheat was found in the USA this spring when an Oregon farmer noticed volunteer wheat that survived after he sprayed with glyphosate (Roundup) in preparation for spring seeding. Yesterday, the USDA confirmed that it is Monsanto's Roundup Ready Wheat, which has not been approved in the USA or anywhere else in the world. The GE wheat was tested in experimental field plots in 16 states between 1998 and 2005. The last test in Oregon was in 2001. "Of course the first thing that comes to mind on hearing this news is the GE Triffid flax contamination disaster, which cost Canadian farmers multi millions of dollars in lost sales, reduced prices, testing and massive efforts to eradicate the rogue seed from our system ten years after we thought we had gotten rid of it by getting it de-registered and destroying seed stocks before it went to market," said Terry Boehm, National Farmers Union President. "Now, unfortunately, American farmers may well be facing the same type of situation with their winter wheat."

Big Brother really is watching — and listening

Topics: [State surveillance](#), [Privacy](#), [CSIS & CSEC](#), [Regulatory oversight](#)

Andrew Mitrovica – Jun 11, 2013

Connect the dots. That's the clichéd adage often associated with espionage. Spies are supposed to connect the dots to try to avert tragedy. But lately, we've witnessed the extraordinary; the steel-like curtain that concealed many of the most sensitive clandestine tools spies use to try to connect the digital dots has been jarred open.

The revelations come courtesy of Edward Snowden, a 29-year-old former CIA technical assistant who has publicly acknowledged that he helped two newspapers expose what he describes as a vast, technological “architecture of oppression.” This is hyperbole. Nevertheless, Snowden's decision to leak classified material appears to have been carefully considered.

Spy agencies have turned our digital lives inside out

Topics: [CSIS & CSEC](#), [National security](#), [State surveillance](#), [Privacy](#)

Ronald Deibert – June 10, 2013

Social networking, cloud computing and mobile connectivity have together fundamentally transformed our world, but they come with a dark side. As we move about our daily lives, we secrete a constant stream of data, a digital electronic cloud of bits and bytes that follows us around indefinitely.

Some of this comes from activities over which we have direct control: texting, emailing, surfing, shopping, communicating. But a lot of it comes incidentally, without our awareness, largely as a byproduct, a kind of electronic envelope to each and every digital transaction called “metadata.”

How Canada's shadowy metadata-gathering program went awry

Topics: [CSIS & CSEC](#), [National security](#), [State surveillance](#), [Privacy](#)

Colin Freeze – June 15, 2013

A week ago, most Canadians were unlikely to have heard of Communications Security Establishment Canada (CSEC) and its program gathering “metadata” on untold numbers of global phone calls and online messages. But on Monday, The Globe and Mail reported that the agency's operations, meant to collect foreign intelligence, also at least “incidentally” intercept the communications of Canadians. Many people were left to wonder: Is Ottawa invading our privacy?

Now, it turns out that some officials in Ottawa had the same worry – as long ago as 2008, according to a report obtained by The Globe. Marked “Top Secret” and “CEO” (Canadian Eyes Only), the document sounds alarms over surveillance activities of great “complexity and breadth.”

MacKay's office sparked NIS probe of 'leak' from U.S. news release

Topics: [Freedom of the press](#), [Reprisals](#), [National Defence](#)

Don Butler – June 3, 2013

The office of Defence Minister Peter MacKay requested an investigation by the military's elite investigative arm last year after an Ottawa Citizen journalist published information contained in a press release.

MacKay's office alleged that the information was the result of a leak, even though Citizen reporter David Pugliese identified on four occasions that the details came from a U.S. Navy news release. According to documents released under access to information, MacKay's office requested that the Canadian Forces National Investigation Service (NIS), which is called in for serious crimes or sensitive matters, track down how Pugliese obtained information, setting in motion a month-long probe.

RCMP launch criminal probe of \$90K cheque to Mike Duffy

Topics: [RCMP](#), [Political misconduct](#), [Government ethics](#), [Prime Ministers Office \(PMO\)](#)

Leslie MacKinnon – June 13, 2013

The federal ethics commissioner has suspended her examination of the \$90,000 cheque written to Mike Duffy by the prime minister's top aide to cover illegal expenses claimed by the senator, because the RCMP has opened a criminal investigation.

Mary Dawson said Thursday that under law, since Stephen Harper's former chief of staff, Nigel Wright, is also being investigated for the same matter by the RCMP to determine whether he has committed an offence under an Act of Parliament, she must cease her examination into whether Wright was in a conflict of interest when he wrote the cheque.

Mike Duffy made secret deal with Harper's chief of staff during audit

Topics: [Political misconduct](#), [Government ethics](#), [Prime Ministers Office \(PMO\)](#)

CTV News – May 14, 2013

Prime Minister Stephen Harper's chief of staff secretly intervened to help Conservative Sen. Mike Duffy pay back tens of thousands of dollars in improperly claimed expenses while an external audit was still underway, CTV News has learned.

Two months before the audit was released, Harper's top advisor Nigel Wright had a PMO lawyer work on a letter of understanding with Duffy's legal counsel. Sources told CTV's

Ottawa Bureau Chief Robert Fife that the deal involved Duffy reimbursing taxpayers in return for financial help and a promise from the government to go easy on him.

The Singing Plumber: Rino DeRosa

Topics: [Workplace conditions](#), [Public Works](#), [Audio](#)

June 5, 2013

They called him the singing plumber but when he pointed out workplace hazards in federal buildings his bosses were tone deaf.

Today, the CBC's Julie Ireton traces the efforts of Rino DeRosa who tried to tell his bosses at Public Works in Ottawa that their own rules were being broken, only to be considered trouble.

Secret protocol between RCMP and justice department is secret no more

Topics: [RCMP](#), [Justice Department](#), [Access to information](#), [Government transparency](#)

Don Butler – July 4, 2013

After adamantly refusing for seven years, the federal government has reluctantly released a copy of a protocol between the RCMP and the Department of Justice it fought a tenacious legal battle to suppress. The Federal Court of Appeal ordered the release of the three-page document in April, declaring that the government's attempts to withhold it amounted to "secrecy for secrecy's sake."

The government waited until the 60-day limit for a possible appeal to the Supreme Court expired in June before mailing the protocol to Ottawa resident Suzanne Boudreau, the former military prosecutor and justice department lawyer who asked for it under Access to Information legislation in 2006.

Vic Toews kills idea for civilian management of RCMP

Topics: [RCMP](#), [Harassment](#)

Tonda MacCharles – June 9, 2013

The contrast could not have been sharper. And it wasn't just the outfits — civvies vs. full dress uniform. Two retired army generals in civilian clothes came to Parliament this week to tell a senate committee studying harassment in the RCMP that it is damn hard work to change the culture of an organization — especially one where rank and stripes on the arm count for everything.

Once professional values and ethics break down and a bullying culture sets in, it takes years to fix and is a constant work-in-progress, said former Lieut.-Generals Andrew Leslie and Mike Jeffery. "It's all about leadership all the time," said Leslie.

XL Foods slow to handle tainted beef outbreak

Topics: [Alberta](#), [Food safety](#), [Food industry](#), [CFIA](#)

Matt McClure and Trevor Howell – June 6, 2013

A “relaxed attitude” by federal food inspectors and company officials at an Alberta meat packer toward mandatory food safety procedures were to blame for an E.coli outbreak last fall that sickened 18 people and led to the country’s biggest ever beef recall.

And an independent panel’s review of the incident at XL Foods Inc. also found the health of Canadians may have been put at risk on two prior occasions in the previous year when spikes in positive results for the potentially-fatal bacteria went unnoticed by both the Brooks facility and Canadian Food Inspection Agency staff.

Manitoba agency suing former employee for leaking documents

Topics: [Manitoba](#), [Charities & non-profits](#), [Whistleblowers](#)

CBC News – July 4, 2013

The Manitoba Association of Native Firefighters (MANFF) is suing one of its former employees for leaking documents that showed how the agency was spending federal money for 2011 flood evacuees.

Ted Ducharme provided CBC News with MANFF documents that showed questionable overtime charges and receipts for more than \$1 million for late-night snacks for flood evacuees.

Government misconduct 'outrageous' in rigged bidding: judge

Topics: [Procurement process](#), [Corruption](#), [Government ethics](#), [Public Works](#), [Treasury Board](#)

Kathryn May – May 07, 2013

An Ontario Superior Court judge awarded an additional \$10 million in lost profits, interest and costs to the losing bidder of a relocation contract, chastising the "reprehensible," "outrageous" and "shocking" misconduct of the federal government for rigging the deal and trying to deceive the court.

In a hard-hitting decision, Justice Peter Annis took the extraordinary step of awarding Envoy Relocation Services full costs in its legal battle to prove bureaucrats intentionally turned a blind eye to the rigging of the 2004 contract, which helped give Royal LePage Relocation Services a monopoly on moving thousands of military, RCMP and bureaucrats to new

postings.

Children's antipsychotic use explodes

Topics: [Pharmaceutical industry](#), [Health care](#), [Public health & safety](#)

Sharon Kirkey – June 10, 2013

Canadian researchers are warning of an alarming and "exponential" rise in prescribing antipsychotic drugs to children.

Prescriptions for some of the most powerful psychiatric drugs on the market - so-called "second-generation" antipsychotics, or SGAs - to youth 18 and under increased 18-fold in British Columbia alone between 1996 and 2011, a new study finds, with some of the highest increases in prescriptions to boys as young as six. Children are being put on the potent drugs for a wide range of diagnoses not approved by Health Canada, the researchers say.

Adult drugs linked to deaths in kids

Topics: [Pharmaceutical industry](#), [Health Canada](#), [Public health & safety](#)

Sharon Kirkey – May 13, 2013

Health Canada is receiving growing numbers of reports of serious complications and even deaths in children taking powerful antipsychotics once reserved to treat schizophrenia and mania in adults.

The drugs are increasingly being prescribed to children as young as preschoolers. Postmedia News has learned that as of Dec. 31, Health Canada had received 17 fatal reports in children related to "second-generation antipsychotics," or SGAs.

University of Toronto lectures coloured by Big Pharma

Topics: [Pharmaceutical industry](#), [Conflict of interest](#), [Health care](#), [Education system](#)

Rachel Mendleson – June 12, 2013

As Canada's opioid addiction epidemic took root, students at one of the country's most prestigious medical schools were receiving "potentially dangerous information" about the use of these drugs, a new study claims.

Published on Tuesday in the Journal of Medical Ethics, the study takes issue with a lecture series that was part of the regular curriculum for second-year medical students at the University of Toronto from 2004 to 2010.

Big Pharma meets weak resistance at Canadian medical schools

Topics: [Pharmaceutical industry](#), [Health care](#), [Conflict of interest](#), [Education system](#)

Rachel Mendleson – July 4, 2013

The first comprehensive study of conflict-of-interest guidelines at Canada's 17 medical schools has uncovered big holes in the policies intended to restrict the influence of the pharmaceutical industry.

Despite the pervasive presence of Big Pharma on medical school campuses, policies regarding conflict of interest are “generally permissive,” the study found, raising questions about the role commercial interests are playing in educating Canada's doctors.

UK whistleblower awarded for exposing healthcare inspection methods

Topics: [UK](#), [Health care](#), [Regulatory oversight](#), [Whistleblowers](#), [Honours](#)

Jackie Brook – June 20, 2013

Mid Staffs whistleblower Amanda Pollard has been recognised today at an international whistleblowing conference, receiving an award for her part in exposing negligent inspection methods within the Care Quality Commission.

The former Care Quality Commission inspector received the award the ‘Middlesex University Whistleblowing Award’, at the International Whistleblowing Research Network Conference today (20 June) at Middlesex University's Hendon campus in north London. It is awarded in recognition of an outstanding achievement in making a disclosure of information in the public interest.

UK health service whistleblower driven from her home by hate campaign

Topics: [UK](#), [Health care](#), [Whistleblowers](#), [Reprisals](#)

Andy Dolan – June 25, 2013

A National Health Service campaigner has fled her home town following death threats, abuse and the desecration of her mother's grave. Julie Bailey, who helped expose the horrific neglect at Stafford Hospital which cost up to 1,400 lives, says ‘vipers’ have victimised her ever since she set up Cure the NHS.

She started the pressure group in her own cafe following the death of her mother at the hospital. But yesterday she handed over the keys to the business, having agreed a cut-price sale on eBay. ‘People have been coming into the cafe shouting that nothing happened at Stafford, that I am lying and there were no unnecessary deaths,’ she said last night.

Canada joins Russia in opposing historic anti-corruption agreement

Topics: Anti-corruption efforts, White-collar crime, Financial industry, Wealthy elites

Jamie Doward – June 8, 2013

David Cameron's hopes of securing at the G8 summit next week a major anti-corruption agreement that would force companies to reveal who really owns them is hanging by a thread, amid fierce opposition from both the Russian and Canadian governments, as well as from many members of the US Congress.

The prime minister believes new rules to make company ownership transparent are crucial, and has made it a key goal of UK diplomacy as he prepares to chair the gathering of world leaders which begins a week tomorrow. However, the Observer understands that goal is now in jeopardy, opening up the possibility that there will be no deal endorsed by all parties, a potentially embarrassing result for the UK as summit chair.

Has Canada become the bad guy of the G8 by fighting tax transparency?

Topics: White-collar crime, Government ethics, Financial industry, Wealthy elites

James Haga – June 14, 2013

Canada is in danger of emerging from Monday's G8 Summit as the global bad guy. Prime Minister Stephen Harper has the opportunity to be the decisive voice that will enable the G8 to begin to clean up the international tax system.

Yet rather than joining the U.K. and others to push for common-sense reforms to enable global co-operation and end tax abuse, our Prime Minister has so far refused to support proposed global rules on the disclosure of company ownership.

Ill, injured Canadian Forces members still not getting needed treatment

Topics: Veterans Affairs, Mental health injuries

Matt Moir – Jun 10, 2013

Ill and injured members of the Canadian Forces are not getting the treatment they need from the government, according to advocates for Canadian military members.

The House National Defence Committee is currently investigating issues surrounding ill and injured Canadian Forces members, and a stream of witnesses, including currently-serving soldiers, military family members, and representatives from veterans' groups have come forward to discuss their experiences in dealing with various government organizations tasked with providing care for military personnel and veterans.

Opinion: MP Brent Rathgeber's stand is a principled one

Topics: [Government transparency](#), [Justice Department](#), [Government ethics](#)

Stephen Maher – June 7, 2013

On Feb. 11, NDP MP Francois Boivin moved a motion at the House of Commons justice committee asking that it study allegations raised by Edgar Schmidt, a senior Justice Department lawyer who filed a lawsuit against the government in December 2012.

Schmidt alleges that the government is not following its legal responsibility to review laws — including many crime bills — to make sure that they comply with the Charter of Rights and Freedoms. It's important, both because Schmidt is alleging the government is breaking the law, and also because, if he's right, the government is passing legislation that will needlessly clog our courts.

XL Foods recall was product of preventable errors, review finds

Topics: [Alberta](#), [Food industry](#), [Food safety](#), [CFIA](#)

Bill Curry – June 5, 2013

The largest beef recall in Canadian history happened because a massive Alberta producer regularly failed to clean its equipment properly, reacted too slowly once it realized it was shipping contaminated meat, and on-site government inspectors failed to notice key problems at the plant.

“It was all preventable,” concludes an independent review of the 2012 XL Foods Inc. beef recall, in which 1,800 products were removed from the Canadian and U.S. markets and 18 consumers became sick.

Probe into AECL contracts hushed up

Topics: [Nuclear industry](#), [Procurement process](#), [Government transparency](#)

Annie Burns-Pieper and Alison Crawford – May 30, 2013

Former employees at Atomic Energy of Canada Limited say they witnessed potential wrongdoing in procurement practices at the federal Crown corporation, with some senior managers receiving personal gifts from suppliers, favouritism toward certain suppliers and leaks of information to suppliers about their competitors' bids.

CBC News has also learned that an extensive, months-long investigation into procurement at the nuclear agency by auditing firm Deloitte has been kept quiet for nearly five years. AECL has refused to comment on the investigation, which insiders say began in 2008 when Deloitte was asked to probe the company's procurement department.

Corexit: deadly dispersant used in Gulf oil spill cleanup

Topics: [Oil & gas industry](#), [Public health & safety](#), [Environment](#), [Workplace conditions](#)

April 19, 2013

On April 19, 2013, GAP released *Deadly Dispersants in the Gulf: Are Public Health and Environmental Tragedies the New Norm for Oil Spill Cleanups?* The report details the devastating long-term effects on human health and the Gulf of Mexico ecosystem stemming from BP and the federal government's widespread use of the dispersant Corexit, in response to the 2010 Deepwater Horizon oil spill.

GAP teamed up with the nonprofit Louisiana Environmental Action Network (LEAN) to launch this effort in August 2011 after repeatedly hearing from Gulf residents and cleanup workers that official statements from representatives of BP and the federal government were false and misleading in the wake of the Deepwater Horizon disaster.

Edward Snowden: 'If they want to get you, in time they will'

Topics: [USA](#), [National security](#), [State surveillance](#), [Whistleblowers](#)

Ewen MacAskill – June 10, 2013

Edward Snowden was interviewed over several days in Hong Kong by Glenn Greenwald and Ewen MacAskill.

Q: Why did you decide to become a whistleblower?

A: "The NSA has built an infrastructure that allows it to intercept almost everything. With this capability, the vast majority of human communications are automatically ingested without targeting. If I wanted to see your emails or your wife's phone, all I have to do is use intercepts. I can get your emails, passwords, phone records, credit cards.

Apple co-founder says he admires Edward Snowden as much as Pentagon Papers leaker Daniel Ellsberg

Topics: [USA](#), [State surveillance](#), [National security](#), [Whistleblowers](#)

Tania Branigan – June 21, 2013

The Apple co-founder Steve Wozniak has backed NSA whistleblower Edward Snowden and admitted he feels "a little bit guilty" that new technologies had introduced new ways for governments to monitor people.

"I felt about Edward Snowden the same way I felt about Daniel Ellsberg, who changed my life, who taught me a lot," he said. Speaking to Piers Morgan on CNN he said he was not the kind of person to "just take sides in the world – 'I'm always against anything government, any three letter agency,' or 'I'm for them'."

Germans Loved Obama. Now We Don't Trust Him

Topics: [Europe](#), [Privacy](#), [National security](#), [State surveillance](#), [Civil rights](#)

Malte Spitz – June 29, 2013

In May 2010, I received a brown envelope. In it was a CD with an encrypted file containing six months of my life. Six months of metadata, stored by my cellphone provider, T-Mobile. This list of metadata contained 35,830 records. That's 35,830 times my phone company knew if, where and when I was surfing the Web, calling or texting.

The truth is that phone companies have this data on every customer. I got mine because, in 2009, I filed a suit against T-Mobile for the release of all the data on me that had been gathered and stored. The reason this information had been preserved for six months was because of Germany's implementation of a 2006 European Union directive.

What metadata reveals about us -- infographic

Topics: [Europe](#), [Privacy](#), [National security](#), [State surveillance](#), [Civil rights](#)

Zeit Online – June 29, 2013

Green party politician Malte Spitz sued to have German telecoms giant Deutsche Telekom hand over six months of his phone data that he then made available to *Zeit Online*. We combined this geolocation data with information relating to his life as a politician, such as Twitter feeds, blog entries and websites, all of which is all freely available on the internet.

By pushing the play button, you will set off on a trip through Malte Spitz's life. The speed controller allows you to adjust how fast you travel, the pause button will let you stop at interesting points. In addition, a calendar at the bottom shows when he was in a particular location and can be used to jump to a specific time period. Each column corresponds to one day.

Boundless Informant: the NSA's secret tool to track global surveillance data

Topics: [USA](#), [National security](#), [State surveillance](#), [Espionage](#), [Privacy](#)

Glenn Greenwald and Ewen MacAskill – June 11, 2013

The National Security Agency has developed a powerful tool for recording and analysing where its intelligence comes from, raising questions about its repeated assurances to Congress that it cannot keep track of all the surveillance it performs on American communications.

The Guardian has acquired top-secret documents about the NSA datamining tool, called Boundless Informant, that details and even maps by country the voluminous amount of information it collects from computer and telephone networks.

How Yahoo fought in secret against surveillance system — and lost

Topics: [USA](#), [National security](#), [State surveillance](#), [Privacy](#)

Lorenzo Franceschi-Bicchierai – June 14, 2013

Before allegedly becoming part of the secret National Security Agency surveillance program PRISM, Yahoo fought against it in court, in what was until now a secret challenge. The company eventually lost and had to comply, according to new reports.

This revelation comes from newly leaked documents, obtained by *The New York Times*, that shed some light on how Yahoo became part of PRISM, the classified NSA snooping program that allows the government to retrieve foreign users' data from tech giants, which reportedly include companies like Google, Facebook, Microsoft and Apple.

About FAIR

Federal Accountability Initiative for Reform (FAIR) promotes integrity and accountability within government by empowering employees to speak out without fear of reprisal when they encounter wrongdoing. Our aim is to support legislation and management practices that will provide effective protection for whistleblowers and hence occupational free speech in the workplace. FAIR is a registered Canadian charity.



FAIR is a volunteer-run charity with slender resources. If you feel that our work is worth supporting, please [make a donation](#).



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News

6 new results for **whistle-blower**

Whistleblower Act to protect wrongdoers in exposing others

Malta Independent Online

The **Whistleblower Act** which started to be discussed in Parliament yesterday, does not simply protect **whistleblowers** to uncover wrong doings but will incentivise the wrong doers to uncover their own pitfalls and those of others. This is a fundamental ...

[See all stories on this topic »](#)

Whistleblower debate starts today - law provides for identity change of ...

Times of Malta

The **Whistleblower Bill** starts being debated in parliament this evening. The government has said it will be made law before the House rises for the summer recess. The Opposition has said it will vote in favour, saying the text is not much different from ...

[See all stories on this topic »](#)

SEC Whistleblower Denial Points to 'Timing Issue'

Wall Street Journal (blog)

A **whistleblower** claim for an award was denied last week by the Securities and Exchange Commission because the information wasn't "original" under the law. The claimant and the nature of the fraud was redacted in the order issued by the SEC. It said the ...

[See all stories on this topic »](#)

Whistleblower Act to boost Attorney General's powers

Malta Independent Online

Dr Bonnici was giving details of what the **Whistleblower Act** will entail once the Act comes into force, prior to discussions held in parliament this evening related to the second reading of the Bill. Every government department or company, except SMEs ...

[See all stories on this topic »](#)

Wikileaks whistleblower was 'upset' over plight of Iraqis, says former colleague

InterAksyon

FORT MEADE -- Bradley Manning, the US soldier accused of espionage, was "upset" about the plight of Iraqi civilians before he handed over a trove of secret files to WikiLeaks, a witness testified Monday. The Army private was dismayed over an incident ...

[See all stories on this topic »](#)

Brekkie Wrap: Odd break-in at whistleblower's firm; Asiana denies crash pilot ...

Herald Sun

The law firm representing a US government **whistleblower** has been broken into, with the thieves pinching documents but leaving silver bars behind. Credit: KDFW FOX. Whistleblower break-in. Video surveillance from Fox affiliate KDFW shows alleged ...

[See all stories on this topic »](#)

Blogs

5 new results for **whistle-blower**

Odd Break-in at Law Office Representing State Dept. Whistleblower ...

By Jonathon M. Seidl

A Dallas law firm representing a high-profile State Department *whistleblower* is concerned after its offices were broken into and burglarized last weekend. But this wasn't just a typical smash-and-grab job: instead of taking numerous valuables, ...

TheBlaze.com - Stories

State Dept. **whistleblower's** lawyers targeted by 'Watergate-style ...

By Stephen C. Webster

The law firm targeted is Schulman & Mathias, which represents State Department *whistleblower* Aurelia Fedenisn, formerly with the department's office of inspector general. Fedenisn revealed to CBS News earlier this year that she'd seen ...

The Raw Story

State Department's Watergate? Office of high-profile **whistleblower** ...

By RT

The Dallas law office representing a State Department *whistleblower* was broken into and robbed during the first weekend of July.

News RSS : Today

Patterico's Pontifications » Suspicious Burglary at Offices of Attorney ...

By Patterico

Hmmmmmm. Multiple break-ins at the offices of a lawyer for a State Department *whistleblower*. Unlocked office across the hall with valuables left untouched. Lawyer says it has to be related to his client's case. Hmmmmmm. (Is it worth ...

Patterico's Pontifications

Brekkie Wrap: Odd break-in at **whistleblower's** firm; Asiana denies ...

THE law firm representing a US government *whistleblower* has been broken into, with the thieves pinching documents but leaving silver bars behind.

Daily Telegraph | Top Stories

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News

5 new results for **whistleblower**

NSA whistleblower Edward Snowden applies for asylum in 21 countries

The Independent

Intelligence **whistleblower** Edward Snowden has applied for asylum in 21 countries, the WikiLeaks website said today. China, France, Germany, India, Ireland, Venezuela and Russia are among those where Mr Snowden is seeking refuge, a statement on the ...

[See all stories on this topic »](#)

US whistleblower Edward Snowden seeks asylum in India: WikiLeaks

IBNLive

New Delhi: US National Security Agency **whistleblower** Edward Snowden has sent an asylum request to India and 18 other countries, **whistleblower** website WikiLeaks has claimed. Snowden continues to remain defiant and has said the US is illegally ...

[See all stories on this topic »](#)

Whistleblower Edward Snowden breaks his silence

RTE.ie

Former US spy agency contractor Edward Snowden has broken his silence for the first time since he fled to Moscow eight days ago. In a letter to Ecuador Mr Snowden said he remains free to make new disclosures about US spying activity. The **whistleblower** ...

[See all stories on this topic »](#)

US whistleblower Snowden seeks asylum in India, 20 other countries: WikiLeaks

Hindustan Times

WikiLeaks: NSA **whistleblower** Edward Snowden asks #India for asylum <http://t.co/07VOUsi9iA> #snowden. — WikiLeaks (@wikileaks) July 2, 2013. WikiLeaks, the anti-secrecy group that has adopted Snowden and his cause, on Monday night posted a ...

[See all stories on this topic »](#)

Whistle-blower Snowden seeks asylum in China, among other nations, says ...

South China Morning Post

Former US spy agency contractor Edward Snowden broke his silence on Monday for the first time since fleeing to Moscow over a week ago, blasting the Obama administration and saying he remains free to make new disclosures about US spying activity.

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News

5 new results for **whistle-blower**

SEC Officials On **Whistleblower** Rewards : The Best Is Yet To Come

Forbes

Over the past few weeks, Securities and Exchange Commission officials have been making a very public effort to assure **whistleblowers** that the first two **whistleblower** awards – both relatively small — won't be typical of the SEC's **whistleblower** reward ...

[See all stories on this topic »](#)

Decision on US **whistleblower** Edward Snowden could take months: Ecuador

Economic Times

KUALA LUMPUR: Ecuador today said it would take months to decide on whether to grant asylum to US **whistleblower** Edward Snowden, currently staying in Moscow airport for the fourth day in a row after fleeing Hong Kong. Ecuador's Foreign Minister ...

[See all stories on this topic »](#)

New **whistleblower** law 'passes the Kessing test'

The Australian

AFTER approving a series of changes drawn up by Attorney-General Mark Dreyfus, federal parliament yesterday approved a Public Interest Disclosure Act that would have prevented the criminal prosecution of **whistleblower** Allan Kessing. The new law ...

[See all stories on this topic »](#)

A **Whistleblower** in Ecuador: The Belarussian Dissident Who Found Asylum in ...

TIME

Edward Snowden, the former NSA contractor turned **whistleblower**, is seeking asylum in the Andean nation. He follows in the footsteps of WikiLeaks founder Julian Assange who has been granted asylum though is unable to leave the Ecuadorian Embassy in ...

[See all stories on this topic »](#)

Operation Motorman: **Whistleblower** Alec Owens seeks written police apology ...

The Independent

The **whistle blower** said: "They have admitted the warrant was unlawful but I want a written apology and a full explanation and that's what I will be instructing my solicitor to seek." Cheshire Police's Head of Professional Standards John Armstrong said ...

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Blogs

1 new result for **whistle-blower**

New laws strengthen **whistleblower** rights - Ninemsn

New laws, passed by the Senate on Wednesday, to strengthen rights for whistleblowers in the public service, aim to promote a "pro-disclosure" culture.

Latest news headlines - Ninemsn News

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From: whistleblowingnetwork@googlegroups.com
To: whistleblowingnetwork@googlegroups.com
Subject: [whistleblowingnetwork] Fwd: Statement: Focus on Unchecked Growth of National Security State
Date: Tuesday, June 25, 2013 5:29:17 PM

fyi

For Immediate Release:
June 24, 2013

Contact: Joe Newman at jnewman@pogo.org and (202) 445-1391.

Nation's Focus Should be on Broken Whistleblower System And Unchecked Growth of our National Security State

Statement of Danielle Brian, Executive Director, Project On Government Oversight

What is unfolding with Edward Snowden is not surprising—our current policies actually encourage leaks, given there is no meaningful legal system for whistleblowing in the intelligence community. There are too few legal channels for disclosing secret wrongdoing, and those that exist do not provide authentic protections from retaliation. There are very weak protections for intelligence whistleblowers and none at all for intelligence contractors. National security whistleblowers also have good reason to doubt that the authorities will take action on their disclosures, given the inaction by knowledgeable authorities in the administration, Congress and the Courts.

Where Mr. Snowden chooses asylum is a sideshow to critical matters facing our nation. What we should be focusing on are the important issues he has exposed—a broken system for whistleblowers and how secrecy is undermining our constitutional democracy.

It is high time that we address the need for more oversight of the government's national security claims. We could start with the public disclosure of secret laws—the legal justifications, decisions, and enforcement of law that are kept secret. How can we know if the government has struck the right balance between our security and our rights if its legal interpretations are cloaked in secrecy?

Mr. Snowden's disclosures of the National Security Agency's domestic surveillance are certainly whistleblowing, but releasing classified information is also against the law. As was the case with Daniel Ellsberg and the Pentagon Papers, sometimes it is so important to make the information public that it is necessary to break the law. This is not a new concept. The Johannesburg Principles on National Security, Freedom of Expression and Access to Information, provide: "No person may be punished on national security grounds for disclosure of information if...the public interest in knowing the information outweighs the harm from disclosure." Whenever a whistleblower illegally discloses classified information, the public interest must be weighed against the harm to our national security.

But in any case, it's clear that the government is handling leaks and whistleblowers atrociously. A recent McClatchy Newspapers story reports that, in keeping with POGO's early warnings about the government's knee-jerk response to WikiLeaks, the sweeping "Insider Threat Program" continues to chill free speech and threaten rights while quite obviously failing to prevent leaks.

In January 2011, we and our allies sent a letter to the administration about our concerns that agencies were being asked, among other things, to measure their employees' "relative happiness" and "despondence and grumpiness as a means to gauge waning trustworthiness." Government officials tried to assure us that it was not their intention to direct agencies to conduct this and other kinds of surveillance of employees. Yet, the McClatchy article points out that those familiar with the program are now concerned with its absurdly broad application and the ease with which the Insider Threat Program can be used to target whistleblowers.

As we've been saying for years, the way to stop leaks is to give whistleblowers strong protections and to

curb over-classification. Instead, no matter who occupies the White House, we have a national security state on steroids engaging in far too much secrecy, making it harder for us to keep our legitimate secrets, conducting massive surveillance, and punishing rather than protecting whistleblowers.

In the end, are we safer? What rights are we willing to give up in the name of national security? Mr. Snowden has re-ignited that critical public discussion and it is one that "we the people" must be given ample opportunity to debate. Nothing less than the legitimacy of our constitutional democracy is at stake.

Founded in 1981, POGO is a nonpartisan independent watchdog that champions good government reforms. POGO's investigations into corruption, misconduct, and conflicts of interest achieve a more effective, accountable, open, and ethical federal government.

###

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News

8 new results for **whistle-blower**

Claimed NSA **whistleblower** Edward Snowden's future unclear; Guardian ...

CBS News

The man who claims to be the **whistleblower** behind the revelation that the National Security Agency is gathering troves of data on individuals' telephone and internet use was well-aware that his actions could land him in prison for the rest of his life ...

[See all stories on this topic »](#)

Whistleblower tests US, China leaders' new ties

Businessweek

BEIJING (AP) — Weekend revelations that an American **whistleblower** holed up in Hong Kong has given an early test to the new working relationship the presidents of the U.S. and China tried to forge just a day earlier. Chinese leader Xi Jinping and ...

[See all stories on this topic »](#)

Whistleblower says US retaliation threats contrary to public interest

DAWN.com

Whistleblower says US retaliation threats contrary to public interest · AP. This photo provided by The Guardian Newspaper in London shows Edward Snowden, who worked as a contract employee at the National Security Agency, June 9, 2013, in Hong Kong.

[See all stories on this topic »](#)

Whistleblower Edward Snowden told he faces extradition from Hong Kong back

...

The Independent

The Obama administration has aggressively pursued **whistleblowers** such as US Army Private Bradley Manning, whose trial on charges of passing classified material to the Wikileaks website began last week, three years after his arrest. Snowden, who is now ...

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Whistleblower escapes contempt charge over tweet

ABC Online

A New South Wales detective who triggered an inquiry into the handling of allegations of church child sex abuse will not face a contempt charge for tweeting from the hearing room. The inquiry is focusing on the handling of allegations involving priests ...

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NSA **whistleblower** reveals himself, world reacts

Help Net Security

An (at the time unnamed) **whistleblower** has rocked the world by disclosing documents that seemingly prove that Verizon (and possibly other telecom providers) is forced to share metadata on all the phone calls its users make with the NSA, then followed ...

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NSA **whistleblower's** plans to stay in Hong Kong, Iceland offer no assurance of

...

Fox News

The decision by American and self-proclaimed NSA **whistleblower** Edward Snowden to decamp to

Hong Kong after leaking U.S surveillance secrets offers no guarantee of freedom. Hong Kong has a relatively solid human rights record and signed an ...

[See all stories on this topic »](#)

Whistle-blower provides new Sino-US relationship with its first hot potato

South China Morning Post

US cyber surveillance **whistle-blower** Edward Snowden's escape to Hong Kong presents an early test of the personal relationship established by the Chinese and American presidents at their informal, two-day summit at the weekend. Officials from both sides ...

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Blogs

5 new results for **whistle-blower**

NSA whistleblower comes forward: Edward Snowden - AMERICAblog

By John Aravosis

Edward Snowden is a government *whistleblower* who has revealed that the NSA has access to Verizon call data and servers at Google, Facebook, Apple & more.

AMERICAblog

The Whistleblower - Voices - Voices - AllThingsD

By Voices

The NSA has built an infrastructure that allows it to intercept almost everything. With this capability, the vast majority of human communications are automatically ingested without targeting. If I wanted to see your emails or your wife's phone, all I ...

AllThingsD

Crowdfunding Campaign Aims To Reward NSA Whistleblower For ...

By Josh Constine

Edward Snowden is being hailed a hero by some, and now a Crowdfunder crowdfunding campaign is raising money to reward the *whistleblower* for his "courage&qu..

TechCrunch

NSA whistleblower supported Ron Paul's presidential run — RT USA

By RT

As news continues to surface about classified NSA documents leaked last week, the man who blew the *whistle* on the secret spy program is quickly becoming the center of attention.

News RSS : Today

Fox News Analyst: Bring Back Death Penalty For NSA Whistleblower ...

By Diane Sweet

Fox News analyst Ralph Peters said today that Edward Snowden, the man behind the biggest leak in the history of the National Security Agency (NSA) deserves to be executed for his crimes.

Crooks and Liars

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News

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Assange fears for US Internet spying **whistleblower**

The News International

WASHINGTON: WikiLeaks founder Julian Assange said on Friday he fears the **whistleblower** who exposed a vast US surveillance programme could face the same fate as the US soldier who leaked files to his website. In an interview with CBS This Morning ...

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Whistleblower's letter from prison

Berthoud Recorder

Kiriakou1 **Whistleblowers** letter from prison Former CIA agent John Kiriakou, who blew the whistle on the US government's use of torture under the Bush administration, is currently serving a 30 month sentence at the Federal Correctional Institution in ...

[See all stories on this topic »](#)

NSA **whistleblower** convinced contents being recorded

WND.com

(New York Magazine) "It's called protecting America," said Senator Dianne Feinstein of the Senate Intelligence Committee yesterday, in response to questions about the government's indiscriminate collection of phone records from millions of Americans.

[See all stories on this topic »](#)

Greater Manchester Police: **Whistleblower** Stephen Hayes claims police used ...

Mirror.co.uk

These are just some of the shocking claims of **whistleblower** Stephen Hayes in an explosive new book about what went on in his 13 years with one of Britain's biggest forces. He says Greater Manchester Police officers would use rubber truncheons and beat ...

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State justice department investigation of agent prompts **whistleblower** complaint

Green Bay Press Gazette

MADISON — The state Department of Justice has begun investigating an agent who claimed his boss in the Division of Criminal Investigation was selling weapons illegally. DCI agent Dan Bethards had accused the former head of the state DCI's Superior ...

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Imperial Family's car woes sparked Toyota **whistleblower**

The Japan Times

That epiphany triggered a profound decision: Benjaminson turned **whistleblower**. Ignoring legal warnings, she sent the incriminating memos to journalists, then to regulators and politicians. In March this year, after several years anonymously working for ...

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Imperial Family's car woes sparked Toyota **whistleblower** | Malaysia Sun

Malaysia Sun

In 2008, Toyota faced an embarrassing problem: The Imperial Family's luxury Century Royal, used to carry Crown Prince Naruhito around Japan, was a dud. Memos flew back and forth between managers and senior engineers trying to find the cause of what ...

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Web

1 new result for **whistle-blower**

NSA Whistleblower reveals scary details of government's spying ...

NSA **Whistleblower** reveals scary details of government's spying ability. Friday, Jun 7 ... PAT: We're talking to NSA **whistleblower** William Binney. William, what ...

www.glennbeck.com/.../nsa-whistleblower-reveal-scary-details...

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News

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'Ridiculous Manning trial proves demand for **whistleblowers**'

RT

Barack Obama has prosecuted more **whistleblowers** than any of his predecessors, with Bradley Manning's case part of the crackdown, but people will still break the rules to reveal the truth to the public, Kristinn Hrafnsson, Wikileaks spokesman, told RT.

[See all stories on this topic »](#)

Whistleblowers – Inside and Out

Justice News Flash

We think of **whistleblowers** as possessing the ultimate "inside" information. They can blow the lid off fraud because they worked for the offending company—they witnessed the graft or corruption first-hand, or they've got damning documents. The Insider ...

[See all stories on this topic »](#)

Whistleblowing can be a big risk for staff

Marlborough Express

Marc Krieger was an unhappy **whistleblower**. He formerly worked at the Earthquake Commission (EQC) contacts centre and handled the investigation of complaints. He was also a member of the Official Information Act team. Krieger had concerns about what ...

[See all stories on this topic »](#)

City policy protects **whistleblowers**

Mount Vernon News

Because of that scenario, protection must be given to the **whistleblower**. The Ohio Revised Code has a section that protects the **whistleblower** from retaliation or being fired. Now, the city of Mount Vernon has its own **whistleblower** policy, which went ...

[See all stories on this topic »](#)

Cornwall Ontario Deputy Fire Chief & **Whistleblower** Rob Hickley One on One ...

YouTube

... or Chrome) to add Jamie Gilcig's video to your playlist. Sign in. Transcript No statistics available yet. Report. Published on Jun 3, 2013. [www.Cornwallfreenews.com](#) Cornwall Ontario Deputy Fire Chief & **Whistleblower** Rob Hickley One on One with CFN ...

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Acting ATF Head Notorious for **Whistleblower** Intimidation to Testify Tuesday

Town Hall

As a reminder, Jones is notorious for **whistleblower** intimidation and has quietly embraced the "shut up or be punished" culture inside ATF when it comes to agents exposing corruption and scandals like Operation Fast and Furious. Jones' style came under ...

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Funding for NHS **whistleblower** helpline

The Courier

Cash for an NHS **whistleblowers'** hotline has been announced in an attempt to prevent bullying and harassment in the workplace. The £200,000 fund will be available to NHS boards across Scotland, Health Secretary Alex Neil said on the eve of a conference ...

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Whistleblower Bradley Manning's Trial Begins Today

Huffington Post

HuffingtonPost.com · **Whistleblower** Bradley Manning's Trial Begins Today. Alyona talks to Firedoglake reporter Kevin Gosztola about the latest news from the trial of Wikileaks **whistleblower** Bradley Manning. Hosted by: Alyona Minkovski. GUESTS INCLUDE: ...

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Whistleblower Deputy Fire Chief Rob Hickley Goes One on One with CFN - HD

...

Cornwall Free News

rob hickley interview CFN – Rob Hickley is a very stressed out man. The weight of being a **Whistleblower** has impacted his health. After much deliberation he decided to grant an exclusive video interview to CFN.

[See all stories on this topic »](#)

US: **whistleblower** Bradley Manning's trial begins

Hindustan Times

Army Pfc Bradley Manning goes on trial today more than three years after he was arrested in Iraq and charged in the biggest leak of classified information in US history. Manning has admitted to sending troves of material to the anti-secrecy website ...

[See all stories on this topic »](#)

Whistleblower US soldier due at court martial

Middle East Online

WASHINGTON - Bradley Manning, the American soldier who handed thousands of secret US government files to WikiLeaks, will finally go on trial on Monday -- more than three years after he was arrested in Iraq. Manning, who faces a possible 154-year jail ...

[See all stories on this topic »](#)

US **whistleblower** Bradley Manning trial begins

Press TV

The trial of the 25-year-old began at Fort Meade military base on Monday over charges of espionage and about 20 other offenses, while passing thousands of classified files and documents to the **whistleblower** website WikiLeaks. In February, Manning ...

[See all stories on this topic »](#)

Bradley Manning: Patriotic **whistle-blower** or American traitor?

Christian Science Monitor

It was during his tour in Iraq in 2010 as he was serving as an intelligence analyst that Pfc. Bradley Manning watched a video stored in the US military's database that showed two pilots accidentally shooting civilians, among them children and two ...

[See all stories on this topic »](#)

Heroic **whistleblower** or US traitor?

Voice of Russia - UK Edition

Manning looks set to be found guilty by his own admission of leaking thousands of secret US diplomatic cables and war logs. Heroic **whistleblower** or US traitor? But the man accused of causing

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1 new result for **whistle-blower**

Trumped-Up Charges and Thinly-Veiled Threats against World Bank **Whistleblower** Karen Hudes.

[nsnbc.me/.../trumped-up-charges-and-thinly-veiled-threats-aga...](https://www.nsnbc.me/.../trumped-up-charges-and-thinly-veiled-threats-aga...)

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From: Zuckerman, Jason
Sent: Tuesday, April 16, 2013 1:26 PM
To: Cohen, Mark; Miles, Adam
Subject: Tom's column in the Guardian

Obama's dangerously contradictory stance on whistleblowing

Despite having signed historic whistleblower protection laws, the president is gagging all federal employees with 'national security'

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- [Tom Devine](#)
- [guardian.co.uk](#), Tuesday 16 April 2013 08.30 EDT
- [Jump to comments \(23\)](#)

<< OLE Object: Picture (Device Independent Bitmap) >>

Whistleblower Franz Gayl, now retired US Marines major, while serving as a civilian science adviser in Iraq in 2006.
Photograph: Franz Gayl/AP

In a film out this week, War on Whistleblowers, the New York Times' David Carr says:

"The Obama administration came to power promising the most transparent administration in history ... and began prosecuting [whistleblowers] every which way."

The transparency administration's legacy is being erased by an out-of-control national security bureaucracy. As this important documentary exposes, so far the tactic has been prosecuting or harassing national security whistleblowers. And there's danger the full-scale crackdown could expand to canceling the independent job rights of nearly all government workers in the name of national security. Ironically, the threats are from an administration that championed historic whistleblower protection laws.

This contradictory circumstance has produced the best and worst of times.

The Whistleblower Protection Enhancement Act (WPEA) provides unprecedented employment protections. No other president has come close to President Obama on strengthening whistleblower job rights. Thanks to him, even national security workers now have in-house free speech rights. These breakthroughs last year were enormous wins after decades of resistance.

Simultaneously, the Obama administration has attacked more national security whistleblowers as Espionage Act criminals than all previous administrations combined, lumping them in with spies. The WPEA provides on-the-job protections, but does nothing against retaliatory prosecutions.

While they are the fewest in numbers, we need national security whistleblowers the most. They expose the worst abuses of power: blanket illegal wiretapping, human rights abuses, military murder of journalists and war crimes.

They keep us safer, too. Senior Marines science adviser Franz Gayl blew the whistle and freed delivery of life-saving MRAPs (Mine Resistant Ambush Protected vehicles) to Iraq, overcoming delays responsible for thousands of unnecessary casualties. Then came nightmarish years climaxed by loss of security clearance to finish him off. He was eventually reinstated in a still-pending legal case.

Whistleblowers like Gayl first tried institutional channels and did not leak any classified information, yet were treated as potential traitors. That sends a strong message: if you see something wrong, keep quiet. Tailing cars and families, surveillance of homes and communication, criminal investigations, and FBI gunpoint raids increasingly are the tactics to silence national security whistleblowers.

Far from accidental or random, this reflects the calculated, sustained campaign by a rapidly expanding national security bureaucracy that is winning a war within the administration.

Sometimes whistleblowers must rely on reporters to get the truth out. Thomas Tamm revealed

Bush-era warrantless wiretapping in the New York Times. WikiLeaks and the Pentagon Papers were exposed through news stories. Without national security whistleblowers, the media can't do its job when the stakes are highest: threats to freedom from our own government.

Award-winning reporters like Michael Isikoff, Seymour Hersh, Jane Mayer, Bill Keller, Tom Vanden Brook, Dana Priest and David Carr criticize the repression in War on Whistleblowers. These top-caliber journalists highlight whistleblower media partnerships and sound the alarm about a crackdown.

None too soon. The stakes have just been raised exponentially. In court and proposed rules, the administration is seeking to rebrand virtually all federal employees as national security workers at the mercy of a McCarthy-era executive order, outside the civil service rule of law that has kept the federal workforce professional and non-partisan since 1883.

They no longer could defend themselves against charged misconduct at the independent Merit Systems Protection Board. The WPEA's provisions, laws against race, sex and religious discrimination and the ban on political purges, all would lose relevancy. They'd be replaced by self-policing from agencies empowered to designate virtually any employee a "sensitive" national security worker. This means a civil service system vulnerable to replacement by a national security spoils system. The administration's litigation and regulatory blitz seeks to turn all job and transparency rights into window-dressing.

Reinforcing the forces of light in this bizarre Obama v Obama war, his own appointees from the Office of Special Counsel and MSPB are in court fighting the Justice Department over the national security exception. The GAP's Make It Safe Campaign is petitioning President Obama to demand that he let his own people enforce civil service laws, and that Congress make whistleblowing a legal defense to retaliatory criminal prosecutions.

It should not be legal to prosecute whistleblowers when it is illegal to fire them. This is inexcusable.

- Robert Greenwald's new film, War on Whistleblowers, opens 19 April in New York City at the Quad and on 26 April in Los Angeles at Laemmle Music Hall. It will be available on DVD, from 3 May

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Subject: FAIR Monthly Headlines: February 2013
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Federal Accountability Initiative for Reform



FAIR Monthly Headlines: February 2013

A selected list of articles added to the FAIR website last month. These are about whistleblowing, whistleblowers, and the types of misconduct that they typically expose.

FAIR Comment

Whistleblower Law used to muzzle public servants

There has been a recent rash of departmental codes of ethics with clauses that muzzle public servants, making it an offence to engage in almost any kind of external communication without permission from above. Scientists, CIDA employees and now librarians (another dangerous breed) are being...

A Management-Created Mental Health Epidemic

One of the reasons for the 'epidemic of mental health claims' mentioned in this article is the epidemic of bullying and harassment that has swept the federal public service. It is no coincidence that outgoing Parliamentary Budget Officer Kevin Page has been talking about the 'climate of fear'...

Headlines

Justice department whistleblower on a crusade to sustain the rule of law

Topics: [Justice Department](#), [Government ethics](#), [Whistleblowers](#)

Kirk Makin – February 23, 2013

Somebody had to blow the whistle on the federal Department of Justice, Edgar Schmidt believed. And he decided the best candidate was him.

“As a fairly senior person toward the end of his career, it fell to me,” said Mr. Schmidt, who

launched a legal action last month accusing his department of short-circuiting a legal requirement that new laws be vetted to see whether they comply with guarantees in the Charter of Rights and Freedoms.

Feds ordered to pay legal costs for Justice Department whistleblower

Topics: [Justice Department](#), [Whistleblowers](#), [Government ethics](#)

Douglas Quan – March 8, 2013

In a novel move cheered by whistleblower advocates, a judge in Ottawa on Friday ordered the federal government to cover the legal expenses of a Department of Justice lawyer who filed a lawsuit against his own department.

Edgar Schmidt, who was suspended without pay after filing his claim in December, asserts in court documents that the government has failed to live up to its obligations to ensure that new legislation complies with the Charter of Rights and Freedoms.

FAIR's report to “Whistleblowing for Change” conference, Berlin

Topics: [FAIR](#), [Transparency International](#), [Conferences](#)

Since FAIR was not able to attend this conference in person, I am pleased to provide a brief update on the status of whistleblowing in Canada. The outlook for whistleblowers in Canada continues to be extremely bleak.

The law covering government whistleblowers is deeply flawed, poorly administered in our view, and has produced almost no results in 6 years of operation. For the past year the federal government has blocked much-needed reforms to this Act by ignoring the statutory requirement to conduct a 5-year review.

Alberta pipeline whistleblower Evan Vokes honoured in Ottawa

Topics: [Whistleblowers](#), [Honours](#)

David Hutton – March 19, 2013

Yesterday the civil society group Peace Order and Good Governance (POGG) honoured Evan Vokes with the Golden Whistle Award for his courage in exposing the failure of his former employer, TransCanada Pipelines, to adhere to the engineering codes that are vital to ensure pipeline integrity and safety.

At a ceremony in Ottawa Vokes spoke about the pipeline industry, the costly and dangerous consequences of shoddy construction, and the lack of regulatory oversight which encourages

companies to take short-cuts.

Pipeline whistleblower Evan Vokes receives national award

Topics: [Oil & gas industry](#), [Whistleblowers](#), [Honours](#)

Andrew Nikiforuk – March 18, 2013

Evan Vokes, the former TransCanada employee and engineer that helped The Tyee and the CBC investigate rising pipeline incidents and rule breaking in the industry, will be the recipient of major whistleblower award in Ottawa today.

The 47-year-old Ontario-born Vokes will receive the 2013 Golden Whistle Blower Award sponsored by Canadians for Accountability and presented by an Ottawa-based group called Peace Order and Good Government (POGG).

Integrity commissioner finds more wrongdoing, but is it enough?

Topics: [PSIC](#), [Integrity Commissioner](#)

Allan Cutler, Ian Bron – March 18, 2013

After reading with interest the March 2013 report of the Public Sector Integrity Commissioner, Mario Dion, regarding misconduct at the Canada Border Services Agency (CBSA), I would like to congratulate him for finding and substantiating a whistleblowing situation.

On the positive side, Dion's office received the report on May 11, 2012 and initiated an investigation four months later on Sept. 5, 2012. It was concluded on Nov. 9, 2012. This proves that when the commissioner wants to, that investigations can be done in a timely fashion. Furthermore, there was a clear-cut finding of wrongdoing.

Former high-ranking CIDA official takes aim at reports he was target of federal watchdog

Topics: [PSIC](#), [Integrity Commissioner](#), [CIDA](#)

Lee Berthiaume – March 15, 2013

A former federal bureaucrat was about to be named the deputy head of a major international organization in the Caribbean until he was linked to a public service watchdog's finding of "gross mismanagement" last month.

Now, former Canadian International Development Agency director-general Naresh Singh says he is considering legal action to combat what he believes is an unfair undermining of his personal and professional reputation.

Dream job for disgraced former CIDA executive

Topics: [Corruption](#), [Integrity Commissioner](#), [Mario Dion](#), [CIDA](#), [Government transparency](#)

Vincent Larouche – February 14, 2013

A former senior official who left the Canadian International Development Agency (CIDA) in disgrace after embezzling government resources – who was supposed never to work again for Ottawa because of his repeated abuses – has managed to find a new dream job... globetrotting in tropical paradise islands with a budget of \$20 million provided by his former employer.

Nobody had even brought this matter to the attention of the Minister of International Cooperation, Julian Fantino. Yesterday he was quick to suspend payments to the development project in question, in response to questions from La Presse. According to our sources, the minister was "disturbed" during discussions about this yesterday. He informed his staff that he would personally follow the case.

Charbonneau commission: whistleblowers the key

Topics: [Quebec](#), [Corruption](#), [Political misconduct](#), [Whistleblowers](#), [Corporate ethics](#)

Catherine Solyom – March 6, 2013

Note to Michel Lalonde: this is NOT what democracy looks like. Citing the “continuity of provincial democracy,” the president of Genius Conseil (formerly Groupe Séguin) told the Charbonneau Commission this week that his associates and family members all made contributions to the three provincial political parties — and the firm paid the associates back with generous Christmas bonuses.

Known as a prête-nom, or frontman scheme, the ruse allowed the firm, eager to keep its place at the provincial trough of public contracts, to contribute, from 1999 to 2009, \$117,000 to the Parti Québécois, \$94,000 to the Liberal Party of Quebec and \$29,000 to the Action démocratique du Québec, which has since folded into the Coalition Avenir Québec.

Federal librarians fear being ‘muzzled’ under new code of conduct

Topics: [Government transparency](#), [Message control or 'spin'](#)

Margaret Munro – March 13, 2013

Federal librarians and archivists who set foot in classrooms, attend conferences or speak up at public meetings on their own time are engaging in “high risk” activities, according to the new code of conduct at Library and Archives Canada.

Given the dangers, the code says the department’s staff must clear such “personal” activities with their managers in advance to ensure there are no conflicts or “other risks to LAC.”

‘Muzzling’ of Canadian government scientists sent before Information Commissioner

Topics: [Science](#), [Message control or 'spin'](#), [Government transparency](#)

Federal Information Commissioner Suzanne Legault is being asked to investigate the “muzzling” of Canadian government scientists in a request backed by a 128-page report detailing “systemic efforts” to obstruct access to researchers.

“She is uniquely positioned, and she has the resources and the legal mandate, to get to the bottom of this,” says Chris Tollefson. Tollefson is executive director of the University of Victoria Environmental Law Centre, which issued the request with the non-partisan Democracy

Prestigious science journal slams government’s muzzle on federal scientists

Topics: [Science](#), [Message control or 'spin'](#), [Government transparency](#)

The Canadian Press – March 1, 2013

One of the world’s leading scientific journals has criticized the federal government for policies that limit its scientists from speaking publicly about their research. The journal, Nature, says in an editorial in this week’s issue that it is time for the Canadian government to set its scientists free.

It notes that Canada and the United States have undergone role reversals in the past six years, with the U.S. adopting more open practices since the end of George W. Bush’s presidency while Canada has been going in the opposite direction.

Scientist calls new confidentiality rules on Arctic project ‘chilling’

Topics: [Science](#), [Message control or 'spin'](#), [Government transparency](#)

Margaret Munro – February 14, 2013

A bid by the federal government to impose sweeping confidentiality rules on an Arctic science project has run into serious resistance in the United States. “I’m not signing it,” said Andreas Muenchow of the University of Delaware, who has taken issue with the wording that Canada’s Department of Fisheries and Oceans has proposed for the Canada-U.S. project.

It’s an affront to academic freedom and a “potential muzzle,” said Muenchow, who has been collaborating with DFO scientists on the project in the eastern Arctic since 2003.

Could muzzling federal scientists be illegal?

Topics: [Government transparency](#), [Access to information](#), [Science](#)

CBC News – February 20, 2013

The Information Commissioner of Canada is being asked to investigate whether "federal government policy forcing scientists to jump through hoops before speaking with the media" breaches the Access to Information Act.

The request was made as part of a complaint filed Wednesday by Democracy Watch, a non-profit organization that advocates for government accountability, and the University of Victoria's Environmental Law Clinic.

CIDA ethics code muzzles bureaucrats

Topics: [CIDA](#), [Government ethics](#), [Government transparency](#)

Jessica Murphy – January 31, 2013

Opposition parties accused the feds of muzzling bureaucrats at the Canadian International Development Agency. The Grits and the NDP say a "loyalty oath" in the new code of conduct at the aid agency goes too far by barring government workers from publicly criticizing the department.

But the government says it's simply part of the code of ethics the government developed in concert with the public service.

Border agent fired for giving organized crime pals a pass

Topics: [Integrity Commissioner](#), [Mario Dion](#)

Laura Payton – March 7, 2013

A Thunder Bay, Ont., border official has been dismissed after socializing with organized crime figures and refusing to do secondary examinations on some who'd been tagged for more extensive searches.

The officer "maintained a social relationship with known organized crime figures in Thunder Bay that operate throughout Canada and internationally," said a release accompanying a report by Public Sector Integrity Commissioner Mario Dion that was presented to Parliament Thursday.

Another Quebec whistleblower receives death threat

Topics: [Quebec](#), [Organized crime](#), [Reprisals](#), [Whistleblowers](#)

Jean-Louis Fortin – February 12, 2013

A former Quebec excavation contractor received a sympathy card, making reference to his own death, after he blew the whistle on collusion in his industry.

Andre Durocher is the second witness to be intimidated with a condolence card after testifying at the Charbonneau Commission.

New Brunswick whistleblower law barely used

Topics: [Legislation](#)

Acting Ombudsman says only 7 calls have been received in the last year

CBC News – February 14, 2013

New Brunswick’s whistleblower law has barely been used in the five years since it was introduced to allow civil servants to report illegal or dangerous actions by their co-workers, according to the province’s acting ombudsman.

François Levert, the acting ombudsman, took over responsibility for the Public Interest Disclosure Act, which is better known as the whistleblower law, a year ago.

Alberta tobacco probe blowing smoke, says expert

Topics: [Alberta](#), [Government ethics](#), [Government transparency](#), [Conflict of interest](#)

Jeremy Loome – January 15, 2013

Multiple loopholes in Alberta ethics law guarantee Premier Alison Redford can’t be punished by the province’s ethics commissioner for awarding a contract to her ex-husband while she was still justice minister, says a legal expert.

The multi-million-dollar contract Redford awarded to her ex-husband’s legal firm Jensen Shawa Solomon Duguid Hawkes gave it the responsibility of suing tobacco companies on the province’s behalf for past damages to the public. Some critics have noted the deal was officially signed after she left the post of Justice Minister, making the ethics issue moot.

Ex-Officer Is First From C.I.A. to Face Prison for a Leak

Topics: [USA](#), [National security](#), [Whistleblowers](#)

Scott Shane – January 5, 2013

Looking back, John C. Kiriakou admits he should have known better. But when the F.B.I. called him a year ago and invited him to stop by and “help us with a case,” he did not hesitate.

In his years as a C.I.A. operative, after all, Mr. Kiriakou had worked closely with F.B.I. agents overseas. Just months earlier, he had reported to the bureau a recruiting attempt by someone he believed to be an Asian spy. “Anything for the F.B.I.,” Mr. Kiriakou replied.

Another Wall Street Whistleblower Gets Reamed

Topics: [USA](#), [White-collar crime](#), [Financial industry](#), [Financial crisis](#)

A great many people around the country were rightfully shocked and horrified by the recent excellent and hard-hitting PBS documentary, *The Untouchables*, which looked at the problem of high-ranking Wall Street crooks going unpunished in the wake of the financial crisis. The PBS piece certainly rattled some cages, particularly in Washington, in a way that few media efforts succeed in doing.

Now, two very interesting and upsetting footnotes to that groundbreaking documentary have emerged in the last weeks. The first involves one of the people interviewed for the story, a former high-ranking executive from Countrywide financial who turned whistleblower named Michael Winston.

A Salute to Bradley Manning, Whistleblower

Topics: [USA](#), [Whistleblowers](#), [National security](#)

Today, the Freedom of the Press Foundation, an organization that I co-founded and of which I'm on the board, has published an audio recording of Bradley Manning's speech to a military court from two weeks ago, in which he gives his reasons and motivations behind leaking over 700,000 government documents to WikiLeaks.

Whoever made this recording, and I don't know who the person is, has done the American public a great service. This marks the first time the American public can hear Bradley Manning, in his own voice explain what he did and how he did it.

US Activists Laud Special Counsel's Entry into Whistleblower Case

Topics: [USA](#), [Office of Special Counsel](#), [Watchdogs](#), [National security](#)

Charles S. Clark – March 15, 2013

In a first since passage last November of the Whistleblower Protection Enhancement Act, the Office of Special Counsel on Thursday filed an amicus brief challenging a ruling it says would deny federal employees who feel they are unfairly removed from so-called “sensitive” national security positions appropriate recourse. The move was applauded by nonprofit whistleblower advocates’ groups.

Special Counsel Carolyn Lerner, siding with the Merit Systems Protection Board, filed a brief in the U.S. Appeals Court for the Federal Circuit, arguing that a Defense Department decision to declare two civilian employees ineligible for positions deemed sensitive, if upheld in court, “would undermine Congress’ repeated efforts to strengthen whistleblower and other good government protections for federal workers.”

Myths and Realities of Whistleblowing

Topics: Whistleblowers, Research

Margaret Heffernan – March 5, 2013

The predominant myth surrounding whistleblowers is that they're cranks, madmen (and women) all with a grudge and mildly unstable. Movies like *The Insider* and *The Informant* reinforce the stereotype and it's fantastically comfortable for all of us to pillory these outsiders because as long as they're crazy, we are sane in our silence.

I've interviewed dozens, if not hundreds of whistleblowers and the truth is diametrically opposed to the myth. For the most part, these are deeply loyal employees who don't have a grudge - they have a passion, for their organization and the causes that it serves.

Personal Statement of Toyota Whistleblower

Topics: Whistleblowers

Electronics-related causes of unintended acceleration (UA)

Betsy Bejaminson – March 14, 2013

Personal statement of Toyota whistleblower Betsy Benjaminson: I am a professional translator. I have been translating from Japanese to English professionally since I lived and studied in Japan in the 1970s.

My decades of experience in this profession have earned me many important freelance translating assignments. In 2010 I started a freelance job editing about 1,500 internal documents from Toyota about unintended acceleration (UA).

Feds dispute Canada's dismal ranking in report on freedom of information

Topics: Access to information, Government transparency

February 24, 2013

The Harper government is dismissing a report that ranks it 55th in the world for upholding freedom of information, saying it has a sterling record for openness.

But a four-page document outlining the federal rebuttal took five months to release after a request under the Access to Information Act – underscoring the very delay problem that contributed to Canada's dismal ranking.

When Transparency Can Hurt Democracy: Rebuttal

Topics: Justice Department, Government ethics

Letters to the Editor – March 4, 2013

Samuel Mosonyi's attempt to rationalize the Justice Department's allegedly illegal actions (When Transparency Can Hurt Democracy, February 27) is absurd beyond words.

He argues that any signal that a new bill may violate the Charter would 'kill it' and thus bureaucrats (Justice Department lawyers) would be determining what laws are passed – rather than our democratically elected representatives.

When Transparency Can Hurt Democracy

Topics: Justice Department, Government ethics

Samuel Mosonyi – February 27, 2013

A Department of Justice lawyer, Edgar Schmidt, recently challenged his employer in court, alleging that the process that the Department uses to analyze whether proposed legislation is in accordance with the Charter is against the law.

Schmidt alleges in his claim that since 1993, the Department of Justice has not been informing the Minister about potential Charter inconsistencies as long as “some argument can reasonably be made in favour of its consistency – even if all arguments in favour of consistency have a combined likelihood of success of 5% or less.”

Kathryn Bolkovac Introduces 'The Whistleblower' at the UN

Topics: United Nations, Whistleblowers

Kathryn Bolkovac had a passion for doing what is right, representing an institution that symbolizes the culture of peace, humanity and international justice like no other in the world: the United Nations. After living up to the moral standards set by the very same institution, her career in international law enforcement ended in April 2001.

Bolkovac disclosed the horrors of sexual enslavement of young women, trafficked mainly from Russia and the Ukraine -- also performed by UN peacekeepers in Bosnia. According to a report provided by Human Rights Watch, the "clientele" in Bosnia consisted of International Police Task Force (IPTF) members, SFOR (Stabilization Force in Bosnia and Herzegovina) staff, local police, international employees, and local citizens.

Canada no longer one of top 10 most developed countries

Topics: Developing countries, Health care, Education system

Jennifer Ditchburn – March 14, 2013

Canada has slipped out of the top 10 countries listed in the annual United Nation's human development index — a far cry from the 1990s when it held the first place for most of the decade.

The 2013 report, which reviews a country's performance in health, education and income, places Canada in 11th place versus 10th last year. A closer look at the trends shows Canada actually did better than last year, but other countries such as Japan and Australia improved at a greater rate.

Tories put public servants' sick leave in sights

Topics: [Workplace conditions](#), [Harassment](#), [Health care](#), [Mental health injuries](#)

Kathryn May – March 14, 2013

Canada's public servants are bracing for sweeping changes to their sick leave and disability insurance as the government looks to save millions in rising benefit costs and beef up the wellness and productivity of the workforce.

It's expected money for the overhaul, which Treasury Board bureaucrats have been working on for several years, will be announced in next week's budget.

Peter Penashue quits over campaign donations

Topics: [Electoral fraud](#), [Government ethics](#)

Laura Payton – March 14, 2013

Conservative cabinet minister Peter Penashue has resigned his seat in the House of Commons to run again in a byelection, he announced Thursday in a news release, and has paid the government \$30,000 in compensation for "ineligible contributions" he accepted.

And while he blamed volunteer Reg Bowers for problems with his 2011 election campaign, Bowers said he still believes in Penashue. Bowers, however, resigned his seat on a federal board shortly after speaking to CBC News. Despite two resignations and the \$30,000 repayment, it's still not clear whether voters in Labrador will know what happened before they go to the polls.

Government Accused Of Stonewalling 'Tax Gap' Estimate

Topics: [White-collar crime](#), [Government transparency](#)

Daniel Tencer – March 7, 2013

The federal opposition is accusing Revenue Minister Gail Shea of working to block efforts to find out just how much money Canada's government loses to tax evasion.

Critics charge that although Shea insists it is "almost impossible to calculate" what the federal government loses to illegal tax dodging measures, there is in fact a method to calculate the "tax gap" and it is being used by the U.S., the U.K. and other countries.

Kevin Page's thoughts as he leaves the Parliamentary Budget Office

Topics: [Government transparency](#), [Watchdogs](#)

Kevin Newman: Give me some adjectives to describe what the job's been like for you?

Kevin Page: Scary, at times -- releasing a report on Afghanistan. Exhilarating, at times -- getting calls from people in your industry the day after the Auditor General report comes out saying, 'Guess what?' when you were being criticized a year prior on your costing of the F-35 fighter plane, the government was actually providing the same numbers, actually larger to cabinet but weren't showing them to Canadians and Parliament, even though they were requested.

SNC-Lavalin senior execs accused of hiding commission fees

Topics: [Quebec](#), [White-collar crime](#), [Construction industry](#)

John Nicol, Brigitte Noël and Dave Seglins – March 14, 2013

Canadian engineering giant SNC-Lavalin is facing a new scandal and a \$1.24-million wrongful dismissal lawsuit alleging attempted coverups by executives involving millions of dollars in controversial payments to an agent it employed for a dam project in Angola.

This latest controversy over the payment of commissions to hired 'agents' in foreign countries involves SNC-Lavalin's hydro power division and follows the surprising and seemingly benign resignation of executive vice-president Patrick Lamarre on Jan. 18, and the dismissal of three employees — John Brown, Jean-Pierre Mourez and their boss Joseph Salim, who filed the lawsuit earlier this week in Montreal.

Money trail leads from Montreal to Tunis to the Bahamas

Topics: [Quebec](#), [White-collar crime](#), [Construction industry](#)

Catherine Solyom – March 1, 2013

An affidavit in support of a search warrant for the MUHC headquarters made public Friday provides a paper trail for \$22.5 million police allege the SNC-Lavalin engineering firm paid in kickbacks to former McGill University Health Centre director Arthur Porter and Yanai Elbaz, the MUHC's former planning director.

Within a month of being awarded the \$1.3-billion contract to build the McGill superhospital, SNC-Lavalin executives allegedly wired \$10 million to a Bahamas-based company called Sierra Asset Management.

Canada to crack down on foreign corruption, bribery

Topics: Foreign corrupt practices legislation

Susana Mas – February 5, 2013

The federal government is redoubling its efforts to combat corruption and bribery by tabling amendments to the Corruption of Foreign Public Officials Act (CFPOA), Foreign Affairs Minister John Baird said Tuesday.

In its pursuit of "an aggressive, pro-trade agenda," the federal government wants to make clear that Canadian businesses are expected to "play by the rules."

Treasury Board vows sanctions after watchdog's report

Topics: Procurement process, Corruption, Government ethics

Dean Beeby – March 12, 2013

A federal watchdog is blowing the whistle again on a series of cooked contracts at a school that teaches public servants about ethics and values. Frank Brunetta, the procurement ombudsman, said Tuesday he found more evidence that the Canada School of Public Service rigged its contracts to make sure they went to favoured suppliers.

The report examined the way contracts were awarded to six consultants, altogether worth \$1.7 million, from 2008 to 2011. Brunetta's inquiry was sparked by a tip he received in April last year that contracts awarded to two consultants, who were paid \$435,000 and \$260,000, showed clear signs of favouritism.

43 charges laid in undercover prison drug bust

Topics: Prisons

March 8, 2013

Police have arrested 14 people and laid 43 charges related to smuggling drugs into the Central Nova Scotia Correctional Facility in Burnside. Eleven men and three women face charges.

Police allege three of them are members of a "significant crime group." The ring also allegedly involves two former jail guards, a former nurse at the jail, an inmate and a Atlantic Superstore employee among others.

Elections Canada recommends charges be laid in Guelph robocalls case

Topics: Electoral fraud

Glen McGregor and Stephen Maher – March 13, 2013

Commissioner of Canada Elections Yves Côté has recommended laying charges over the election day robocalls sent to voters in Guelph in 2011. After more than 21 months of investigation by his office, Côté has referred a report to Director of Public Prosecutions Brian Saunders, who will decide whether to initiate prosecution in the politically-charged case.

Though neither Elections Canada nor Saunders' office would confirm the referral, the Citizen and Postmedia News have learned that Côté forwarded the file earlier this year, recommending charges be laid.

New Film, Cutting-Edge Research Probe Salmon Virus Mystery

Topics: [Fisheries](#), [Science](#), [Government transparency](#)

Damien Gillis – March 12, 2013

The mystery of BC's disappearing wild salmon is back on the radar this week, with the release of a new documentary on the subject and the launch of a groundbreaking research partnership to study farmed and wild fish for viruses that may be affecting both.

Salmon Confidential, a feature-length film released online last week, explores the battle over salmon science that was at the centre of last year's federal judicial inquiry into rapidly declining Fraser River sockeye stocks, referred to as the Cohen Commission.

York University staff knew about fraud but didn't report it, documents show

Topics: [Academia](#), [Corruption](#)

Tony Van Alphen – March 12, 2013

York University staff knew about alleged fraud in a key campus division but didn't alert senior management because of fears of reprisals, according to university documents.

An unidentified number of current and former employees were not willing to come forward in 2009 with allegations of abuse, harassment, bullying and financial improprieties against a senior administrator at a time when York had no whistleblower protection, university affidavits and an internal audit report show.

House Status of Women Committee hears shocking testimony from former female Mountie

Topics: [RCMP](#), [Harassment](#)

Jessica Bruno – March 11, 2013

For the first time since it started its study on harassment in the federal workplace six months ago, the House Status of Women Committee heard directly from a former Mountie who was sexually abused by her colleagues and bosses in the RCMP. It may be the only first-person testimony the committee hears on the topic due to restrictions it has put on its own witness list.

“I didn’t realize I was the only face,” said former Mountie Sherry Lee Benson-Podolchuk, who testified by video conference from Winnipeg March 7 about her 20 years with the RCMP, during which she said she was raped, sexually harassed, threatened, and ostracized by her colleagues and boss.

TSB warned of runway risks at Pearson Airport before near-disaster

Topics: [Aviation safety](#), [TSB](#)

Christine Tam – March 15, 2013

The Transportation Safety Board has launched an investigation after a plane narrowly missed landing on an empty work van that rolled onto the runway at Pearson Airport early this week.

The near-disaster happened at around 11:40 p.m. ET Monday after a worker for Sunwing Airlines left a maintenance van running and in gear outside one of their Boeing 737s.

Montreal city hall raided by anti-corruption police

Topics: [Quebec](#), [Corruption](#), [Municipalities](#)

February 19, 2013

Montreal's city hall has been raided by anti-corruption police seeking evidence of fraud and breach of trust. Other offices of the Canadian city and of Union Montreal, former Mayor Gerald Tremblay's party, were also raided.

Mr Tremblay and the mayor of Laval have both stepped down amid allegations related to the construction industry. Further details on the targets of the inquiry were unavailable; A police spokeswoman said the raid was part of a two-year investigation.

Arthur Porter says he is too ill to travel to face Quebec fraud allegations

Topics: [Corruption](#), [Quebec](#), [Construction industry](#), [CSIS & CSE](#)

Jeff Todd And David McFadden – February 28, 2013

Arthur Porter, the former head of Canada's spy watchdog, says he has late, stage-four cancer and is too ill to travel from the Bahamas to Canada to face investigators over allegations of fraud in one of the country's priciest infrastructure projects.

Dr. Porter said if Canadian investigators want to question him they should fly to the Bahamas. "I don't want them to think I would chicken out on anything," he told The Associated Press during an interview in his home in an upscale, gated community. "So if they want to come here, absolutely no problem."

Political Corruption Prevalent Across Canada, Say Quebecers

Topics: [Quebec](#), [Corruption](#)

February 11, 2013

Four-in-five respondents are concerned about corruption in Quebec, and half believe policy reforms are needed to deal with a systemic failing.

While adults in Quebec are evidently worried about corruption, most believe the province's situation is not inherently different to what happens in other areas of Canada, a new Angus Reid Public Opinion poll has found.

Former Canadian spy watchdog sought in corruption probe

Topics: [Corruption](#), [CSIS & CSE](#), [Construction industry](#)

Brian Daly – February 27th, 2013

Dr. Arthur Porter, former head of Canada's spy watchdog, is one of five men facing arrest for alleged kickbacks involving the McGill superhospital. Quebec's anti-corruption unit is also looking for Pierre Duhaime and Riadh Ben Aissa, both fired last year from Montreal engineering giant SNC-Lavalin.

SNC is building the \$2.3-billion McGill University Health Centre (MUHC), a massive complex that Porter oversaw until his resignation early last year. Quebec's permanent anti-corruption squad says Porter and the other suspects face charges including fraud against the government, conspiracy and recycling proceeds of crime.

Execs off the hook at S&P

Topics: [USA](#), [White-collar crime](#), [Financial industry](#), [Financial crisis](#)

Michael Hiltzik – February 9, 2013

You may have heard last week about a couple of big lawsuits brought by federal and state governments, alleging that the credit rating agency Standard & Poor's concocted a

fraudulent scheme that contributed to trillions of dollars in investment losses and the cratering of pretty much the entire world financial system.

Those are serious charges, and the federal government's demand for \$5 billion in penalties isn't peanuts. Yet there's something bloodless about the lawsuits, for the simple reason that they don't point the finger at any particular person who was responsible for these dastardly doings.

About FAIR

Federal Accountability Initiative for Reform (FAIR) promotes integrity and accountability within government by empowering employees to speak out without fear of reprisal when they encounter wrongdoing. Our aim is to support legislation and management practices that will provide effective protection for whistleblowers and hence occupational free speech in the workplace. FAIR is a registered Canadian charity.



FAIR is a volunteer-run charity with slender resources. If you feel that our work is worth supporting, please [make a donation](#).



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**For Immediate Release:
Oct. 10, 2012**

**Contact: Angela Canterbury at (202) 347-1122 and acanterbury@pogo.org, or
Joe Newman at (202) 347-1122 and jnewman@pogo.org**

**President Obama Issues Landmark Directive for National Security and Intelligence Community
Whistleblowers**

Statement of Angela Canterbury, Director of Public Policy, Project On Government Oversight

Today, President Obama picked up the whistleblower protections Congress had left by the wayside, finally providing intelligence community workers with specific free speech rights and some protections against retaliation when they legally report waste, fraud, and abuse.

This unprecedented Presidential Policy Directive is leveled at the endemic culture of secrecy in the intelligence community (IC) and the dearth of accountability it fosters. The directive prohibits retaliation for protected disclosures by IC employees; prohibits retaliatory actions related to security clearances and eligibility for access to classified information and directs agencies to create a review process for related reprisal claims; mandates that each intelligence agency create a review process for claims of retaliation consistent with the policies and procedures in the Whistleblower Protection Act (WPA); provides significant remedies where retaliation is substantiated, including reinstatement and compensatory damages; and creates a review board of Inspectors General (IGs) where IC whistleblowers can appeal agency decisions.

From the beginning of the Obama Administration, POGO and our allies have been calling for executive action to better protect whistleblowers. While we have been heartened by certain commitments to strengthen whistleblower protections made by the President—from his campaign promises, to his support for reform legislation, to his recent commitments under the international Open Government Partnership—we also have been critical of this Administration's prosecutions of so-called leakers under the Espionage Act. We have raised concerns about the possible infringement of rights and the chilling effect on would-be whistleblowers of the aggressive prosecutions and certain post-WikiLeaks policies. We have repeatedly urged that anti-leak efforts include authentic protections for those who make lawful disclosures of wrongdoing in the intelligence community. With the stroke of his pen today, President Obama did just that and took unparalleled action to protect whistleblowers, for which we are truly gratified and grateful.

While this directive is not a panacea, it begins to fill a large void in whistleblower protections and lays the framework for more government accountability where it is sorely needed. Because the President directs agencies to create procedures for internal review of claims, we will be very interested in the rulemaking and strength of the due process rights in practice.

In addition to ensuring the proper implementation of this directive, there is other unfinished business. On September 28, the House passed the Whistleblower Protection Enhancement Act (S. 743, as amended by the House) by unanimous consent, after having stripped the provisions related to security clearances, the intelligence community, jury trial access, and contractor protections. Even without these reforms, we urge the Senate to take up the bill upon their return from the election recess and finally upgrade protections for civil servants outside the IC.

We also hope Congress will eventually statutorily enact the President's new IC and national security whistleblower protections, but go further and specifically protect disclosures to Congress without condition and disclosures from federal contractor employees. Also, there are some key reforms that were beyond the scope of executive action. For example, the President's directive provides some review of claims of retaliation involving eligibility for access to classified information determinations. However, it did not fully restore the law for the hundreds of thousands of civil servants who recently had their rights stripped by a foolhardy decision by the Federal Circuit, since it was considered to be likely beyond executive authority.

In *Berry v. Conyers and Northover* the Court remarkably determined that employees whose positions do not require access to classified information, but which *may at some point require it*, and therefore have been labeled “sensitive” no longer should have access to the merit system. Congress must legislate to overturn the wrongheaded over-reach of the Federal Circuit and fully restore the law that protects these federal workers from prohibited personnel practices, including retaliation for whistleblowing, and to prevent agencies from arbitrarily labeling away the rights of civil servants.

Meanwhile, the President deserves tremendous credit for going above and beyond his commitments to support legislation and explore ways to better protect whistleblowers. When implemented properly, this policy should provide for more balance between guarding precious rights and legitimate secrets while ensuring more disclosures of wrongdoing necessary for a more accountable IC. Today, President Obama delivered on protections for whistleblowers and taxpayers.

The Presidential Policy Directive on Whistleblower Protections:

- Specifically prohibits retaliation for a protected disclosure by an IC employee;
- Prohibits retaliatory actions affecting security clearances and eligibility for access to classified information for any federal employee;
- Protects disclosures—including those made to a supervisor in the chain of command, the IG of the agency or IC, or a designated employee—which the whistleblower reasonably believes evidences a violation of any law, rule or regulation, gross waste or mismanagement, abuse of authority, or substantial and specific danger to public health or safety, or which complies with the exercising of existing rights;
- Protects the exercising of existing rights or participating in an investigation or proceeding related to a potential violation of the directive, or providing information to or cooperating with an IG;
- Protects IC employee communications and limited classified disclosures to an IG and Congress described in the Inspector General Act of 1978, the Central Intelligence Agency Act of 1949, and the National Security Act of 1947;
- Defines a broad range of personnel actions, with certain exclusions;
- Requires IC agencies to create within 270 days a review process for retaliation claims that is consistent with the policies and procedures in the WPA and includes review by the agency IG;
- Mandates that each agency with possession of classified information establish a process for review by the agency IG of retaliation claims related to security clearances and eligibility for access to classified information;
- Establishes significant available remedies which include, but are not limited to, reinstatement, attorney's fees, back pay and related benefits, travel expenses, and compensatory damages;
- Gives the IC IG the authority to convene an External Review Panel to include two other IGs to review agency determinations in claims of retaliation, including security clearance and eligibility for access to classified information, within 180 days, and to make recommendations to the agency heads for corrective action for substantiated claims;
- Directs agencies to cooperate and carefully consider actions recommended by the agency or IC IG, and requires notification within 90 days to the IC IG and the DNI of actions taken;
- Directs the DNI to notify the President if the head of the agency fails to send the notification on actions taken;
- Mandates annual reporting by the IC IG on determinations, recommendations, and agency responses to the DNI and Congress.
- Requires a report by the Attorney General to the President on the implementation of FBI whistleblower protections and recommendations for increasing its effectiveness and ensuring appropriate enforcement (in consultation with the Office of Special Counsel and FBI employees);
- Directs the DNI to consult with the public and other agency heads to issue policies and procedures to make all IC employees aware of the protections and review processes available; and,
- Importantly, stipulates that nothing in this directive will limit existing rights under the WPA.

Founded in 1981, POGO is a nonpartisan independent watchdog that champions good government reforms. POGO's investigations into corruption, misconduct, and conflicts of interest achieve a more effective, accountable, open, and ethical federal government.

###

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From: Miles, Adam
To: O'Hanlon, Ann
Subject: Fwd: Secrecy News -- 07/20/12
Date: Friday, July 20, 2012 11:30:00 AM

Begin forwarded message:

From: "Steven Aftergood" <saftergood@fas.org>
Date: July 20, 2012 9:45:11 AM EDT
To: [\(b\)\(6\);\(b\)\(7\)\(C\);\(b\)\(7\)\(D\)](#) @osc.gov
Subject: Secrecy News -- 07/20/12
Reply-To: saftergood@fas.org

Format Note: If you cannot easily read the text below, or you prefer to receive Secrecy News in another format, please reply to this email to let us know.

SECRECY NEWS
from the FAS Project on Government Secrecy
Volume 2012, Issue No. 72
July 20, 2012

Secrecy News Blog: <http://www.fas.org/blog/secrecy/>

** DECLASSIFICATION ADVANCES, BUT WILL MISS GOAL
** NEW PENTAGON STATEMENT ON LEAK POLICY
** NEW ARMY DOCTRINE SEEKS TO MINIMIZE CIVILIAN CASUALTIES

DECLASSIFICATION ADVANCES, BUT WILL MISS GOAL

The latest report from the National Declassification Center features notable improvements in interagency collaboration in declassifying records, along with increased efficiency and steadily growing productivity. Even so, the declassification program will almost certainly miss its presidentially-mandated goal of eliminating the backlog of 25 year old records awaiting declassification by December 2013.

<http://www.archives.gov/declassification/>

The new NDC report puts on a brave face and presents an upbeat account of its achievements to date.

"As of June 30, 2012, we have assessed 90% of the backlog. Quality assurance evaluation and processing for declassification prior to final segregation and indexing have been completed on 55% of that 90%," the report says. Of the records that have been fully processed, 82% have been approved for public release.

Yet the awkward fact remains that only around 50 million pages of the original 370 million page backlog have been fully processed in the past two and a half years. The prospect that declassification of the remaining 320 million pages will somehow be completed in the next 18 months as ordered by President Obama in 2009 is quickly receding.

It is shocking -- or it ought to be -- that the classification system is not fully responsive to presidential authority. Beyond that, the impending failure to reach the assigned goal is an indication that current declassification procedures are inadequate to the task at hand.

While the NDC has already achieved some difficult changes in declassification policy, something more is evidently needed.

Potential changes that could be adopted include self-canceling classification markings that require no active declassification; depopulation of the obsolete Formerly Restricted Data category for certain types of nuclear weapons information, which complicates declassification without any added security benefit; and the surrender of agency "equity" or ownership in government records after a period of time so as to enable third-party (or automatic) declassification of the records.

These and other changes in declassification policy could be placed on the action agenda by the forthcoming report to the President from the Public Interest Declassification Board.

NEW PENTAGON STATEMENT ON LEAK POLICY

Following a closed House Armed Services Committee hearing on leaks yesterday, the Department of Defense issued a statement outlining its multi-pronged effort to deter, detect and punish unauthorized disclosures of classified information.

"The Department of Defense has taken a comprehensive approach to address the issue of national security leaks," the statement said. "Personnel in all components are continuously working to protect classified information and identify those who do not uphold their obligations to protect national defense information."

<http://www.fas.org/sgp/news/2012/07/dod071912.html>

Several of the steps announced have previously been described and implemented, such as new guidance on protection of classified information

and physical restrictions on use of portable media to download classified data. Other measures involve new tracking and reporting mechanisms, and the ongoing implementation of an "insider threat" detection program.

Although many of these changes originated in response to WikiLeaks-type disclosures of DoD information two years ago, their repackaging now might serve to diffuse congressional anger over more recent high-profile leaks, and to preempt more extreme legislative responses.

The new DoD statement does not admit any valid role for unauthorized disclosures under any circumstances.

To the contrary, the Secretary of Defense affirmed that the Assistant Secretary for Public Affairs is the "sole release authority for all DoD information to news media in Washington."

In other words, DoD Public Affairs is the only legitimate source for defense news and information. It follows that freedom of the press means the unfettered ability of reporters to write about what the DoD Public Affairs Officer says.

NEW ARMY DOCTRINE SEEKS TO MINIMIZE CIVILIAN CASUALTIES

Both as a matter of humanitarian principle and as sound military strategy, U.S. military forces should strive to minimize civilian casualties in military operations, according to new U.S. Army doctrine published on Wednesday.

"In their efforts to defeat enemies, Army units and their partners must ensure that they are not creating even more adversaries in the process," the new publication states.

"Focused attention on CIVCAS [civilian casualty] mitigation is an important investment to maintain legitimacy and ensure eventual success. Failure to prevent CIVCASs will undermine national policy objectives as well as the mission of Army units, while assisting adversaries."

So, for example, "When Army units are establishing and maintaining wide area security, it may be more important to minimize CIVCAS than to defeat a particular enemy."

However, "While CIVCAS mitigation efforts can greatly reduce CIVCASs, it is unreasonable to expect that CIVCASs can be completely eliminated in all instances. When CIVCASs occur, the most important part of the response is to determine the facts of the incident, including the numbers and severity of CIVCASs."

"Recognizing that they are in a constant information battle with their adversaries regarding CIVCASs and other issues, Army units should maintain a consistent pattern of truthfulness and timeliness."

"Army investigations [of civilian casualty incidents] should strive for integrity, credibility, and inclusion of external perspectives.... Immediate and broad denial of reports without complete and accurate information in hand can undermine credibility, especially if the investigation finds reports [of civilian casualties] were correct."

See "Civilian Casualty Mitigation," ATTP 3-37.31, July 2012:

<http://www.fas.org/irp/doddir/army/attp3-37-31.pdf>

Secrecy News is written by Steven Aftergood and published by the Federation of American Scientists.

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Steven Aftergood

Project on Government Secrecy

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twitter: @saftergood

From: NationofChange
To: [efile](#)
Subject: U.S. Corporations, Politics Getting More Corrupt, Surprising Nobody
Date: Thursday, July 12, 2012 1:28:51 PM

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THURSDAY, 12 JULY 2012

Amy Goodman | The Pain in Spain Falls Mainly on the Plain (Folk)

 **Amy Goodman, Op-Ed:** “As Spain’s prime minister announced deep austerity cuts Wednesday in order to secure funds from the European Union to bail out Spain’s failing banks, the people of Spain have taken to the streets once again for what they call “Real Democracy Now.” This comes a week after the government announced it was launching a criminal investigation into the former CEO of Spain’s fourth-largest bank, Bankia. Rodrigo Rato is no small fish: Before running Bankia he was head of the International Monetary Fund. What the U.S. media don’t tell you is that this official government investigation was initiated by grass-roots action.”


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U.S. Citizen Sues After Erroneously Being Held as an Undocumented Immigrant

 **Amanda Peterson Beadle, News Report:** “A U.S. citizen is suing the FBI and the Department of Homeland Security after the fingerprint-sharing program Secure Communities incorrectly identified him as an undocumented immigrant. When Chicago resident James Makowski pleaded guilty in December 2010 to a felony charge and sentenced to four months at a drug treatment facility, the controversial program flagged Makowski as an undocumented immigrant, and he spent two months in a maximum-security prison before immigration officials stopped his erroneous deportation order.”

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Central Americans vs. U.S. Empire: The Nonviolent Legacy

 **George Lakey, Op-Ed:** “Ecuador is in the news these days for its embassy in London giving sanctuary to Julian Assange, the Wikileaks founder, who is in danger of extradition from Britain and prosecution in the United States. Ecuador, in fact, has a long history of defying the U.S. empire. Few people remember that the country once defied the U.S. by joining a wave of nonviolent campaigns in 1944, as the Second World War was coming to a close.”

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Latinos Could Shift Outcome of 2012 Elections, Experts Say

FROM AROUND THE WEB

HEALTHCARE

House Votes Again to Repeal Obama Healthcare Law

The Republican-led House of Representatives, on a near party-line vote of 244-185, on Wednesday once again passed a bill to repeal President Barack Obama’s overhaul of the healthcare system.

SUDAN


Student Protest Turns Violent

Police use tear gas to disperse protesters as the president dismisses opposition call for an “Arab Spring” uprising.

U.S. ECONOMY

The Nation’s 10 Most Overpaid CEOs

Nine-figure salaries, tabloid scandals, weak revenues, big

 **Ethan Freedman, News Analysis:** “As the Latino population in the United States rises, the demographic shift will affect future as well as current voting habits, and therefore election outcomes, in the United States, according to several experts. In the highly competitive upcoming presidential elections, “a couple hundred of Latino voters can make a difference,” Roberto Suro, director of the Tomás Rivera Policy Institute at University of Southern California, said Monday. The impact is especially significant in battleground states like Florida, which holds 29 electoral votes, and where 22.9 percent of the populace is Latino.”

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layoffs—no problem.

Obama’s Scramble for Africa

 **Nick Turse, Op-Ed:** “They call it the New Spice Route, an homage to the medieval trade network that connected Europe, Africa, and Asia, even if today’s ‘spice road’ has nothing to do with cinnamon, cloves, or silks. Instead, it’s a superpower’s superhighway, on which trucks and ships shuttle fuel, food, and military equipment through a growing maritime and ground transportation infrastructure to a network of supply depots, tiny camps, and airfields meant to service a fast-growing U.S. military presence in Africa.”


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How Many Millions of Cellphones Are Police Watching?

 **Megha Rajagopalan, News Report:** “In response to a congressional inquiry, mobile phone companies on Monday finally disclosed just how many times they’ve handed over users’ cellphone data to the FBI and other law enforcement agencies. By the New York Times’ count, cellphone companies responded to 1.3 million demands for subscribers’ information last year from law enforcement. Many of the records, such as location data, don’t require search warrants or much court oversight.”


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The Real Battle in 2012 and Beyond

 **Robert Reich, Video Report:** “It’s not merely Republicans versus Democrats, or conservatives versus liberals. The larger battle is between regressives and progressives. Regressives want to take this nation backward — to before Social Security, unemployment insurance, and Medicare; before civil rights and voting rights; before regulations designed to protect the environment, workers, consumers, and investors. Progressives are determined to take this nation forward — toward equal opportunity, tolerance and openness, adequate protection against corporate and Wall Street abuses, and an economy and democracy that are working for all of us.”


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The Worst Financial Scandal Yet?

 **Froma Harrop, Op-Ed:** If only one in four American adults can name his or her U.S. senators, we can assume that even fewer know what Libor is. Libor (pronounced lie-bor) is at the center of another major financial scandal, but that may not improve its name recognition much. This is summer, after all, and making sense of financial manipulation requires effort.

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U.S. Corporations, Politics Getting More Corrupt, Surprising Nobody

 **Nick Lyell, News Analysis:** “The United States is getting more corrupt. So says Transparency International, which ranks the country the 16th least-corrupt in the world in 2001. By last year, the United States fell back to 24th place. Why is corruption spreading? A recent New York Times story fingers everything from globalization to

rising income inequality, as well as the growing role of corporate money in political campaigns. Yet, while corporations are spending more than ever on political campaigns, we've also recently seen a noticeable uptick in corporate corruption scandals."


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Day 298: Live Coverage of the Occupy Movement

 **Special Coverage:** "As we enter Day 298 of the Occupy movements the protests have spread not only across the country but all over the globe. Thousands of activists have descended on Wall Street these past weeks as part of the #OccupyWallStreet protest organized by several action groups. What follows is a live video stream and live Twitter feed of this event."


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Sarah Palin: Am I My Sister's Keeper?

 **Rebecca Theodore, Op-Ed:** "'The long shadow of Sarah Palin still hangs over vice presidential politics,' writes Jennifer Lawless, director of American University's Women and Politics Institute. While many critics argue that Palin's legacy has seriously scarred the image of women in politics in America and imprison the image of the dominant Other, it is often forgotten that feminism as a historical and political movement does not only speak to middle class white women."


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Energy Independence in an Interdependent World

 **Joseph S. Nye, Op-Ed:** "When President Richard Nixon proclaimed in the early 1970's that he wanted to secure national energy independence, the United States imported a quarter of its oil. By the decade's end, after an Arab oil embargo and the Iranian Revolution, domestic production was in decline, Americans were importing half their petroleum needs at 15 times the price, and it was widely believed that the country was running out of natural gas."


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Oil Sands Fact Check: New API Front Group

 **Steve Horn, News Report:** "How do you sell a rotten bag of goods? Rule number one of effective propaganda: repackage it into something seemingly less grotesque. In that spirit, the Houston Chronicle recently reported the American Petroleum Institute (API) has created yet another front group, this one to promote tar sands crude, one of the dirtiest sources of fuel in the world, as a safe and secure energy resource."

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Oakland Leads Way as Restorative Justice Techniques Enter Education Mainstream

 **Eric Arnold, News Analysis:** "Jacob Mathis was a classic underachiever and troubled child. The 15-year-old's grade point average was just 0.77 and by his own accord, he had "extreme anger problems" stemming from his relationship with his stepdad. His emotional turmoil often spilled over into school and affected his conduct in the classroom. After an incident in which he was charged with assault with a deadly weapon and making criminal threats, he was sentenced to probation."

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From: Smith, Erika (Judiciary-Rep)
To: [Miles, Adam](#); [Foster, Jason \(Judiciary-Rep\)](#)
Cc: [Zuckerman, Jason](#); [Podsiadly, Nick \(Judiciary-Rep\)](#)
Subject: Re: TSA / ODNI
Date: Friday, June 22, 2012 1:27:29 PM

Thanks, Adam!

Regards,
E

From: Miles, Adam [mailto:(b)(6)@osc.gov]
Sent: Friday, June 22, 2012 01:24 PM
To: Foster, Jason (Judiciary-Rep); Smith, Erika (Judiciary-Rep)
Cc: Zuckerman, Jason <(b)(6)@osc.gov>
Subject: TSA / ODNI

In addition to Jason's email below on TSA, you might also find Steve Aftergood's blog on the recent DNI directive of interest (link to the directive in story).

http://www.fas.org/blog/secretcy/2012/06/icd_700.html

"Together, CI and security provide greater protection for national intelligence than either function operating alone," the new directive states.

In order to combat the insider threat of unauthorized disclosures, the directive prescribes that "all personnel with access to national intelligence... shall be continually evaluated and monitored...."

But since there are more than a million government employees and contractors holding Top Secret clearances who are potentially eligible for access to intelligence information, it seems unlikely that any significant fraction of them can literally be "continually monitored." Still, that is now formally the objective.

From: Zuckerman, Jason
Sent: Friday, June 22, 2012 12:59 PM
To: Miles, Adam

Jason and Erika,

Following up on our call, below please find an article that appeared in NextGov yesterday about a TSA solicitation for a computer program to continuously monitor employees' digital activities. Coincidentally, the solicitation was issued at about the same time OSC issued its memo asking agencies to take into account whistleblower rights when they perform monitoring. The article is posted at

<http://www.nextgov.com/cio-briefing/2012/06/tsa-wants-spyware-screen-employees-digital-activities-leaks/56393/?oref=ng-HPriver>

TSA wants spyware to screen employees' digital activities for leaks

By Aliya Sternstein

June 21, 2012

The Transportation Security Administration is shopping for a computer program to snoop into the online activities of agency employees, including their keystrokes and emails, for signs of potential leaks, procurement documents reveal. TSA issued a solicitation for an “enterprise insider threat software package” Wednesday, the same day the Office of Special Counsel released a memorandum warning all agencies against targeted email monitoring. The memo followed a Food and Drug Administration retaliation case in which the agency allegedly spied on the private correspondence of whistleblowers.

The TSA contracting documents state, “In order to detect an insider threat, technology is required to monitor and obtain visibility into users’ actions.” Many government offices, particularly in the intelligence and defense communities, are bulking up on employee-surveillance technology following the rise of the anti-secrets website WikiLeaks and other unauthorized disclosures.

The agency is specifically looking for Microsoft Windows-compatible technology that can “monitor user activities through keystroke monitoring/logging; chat monitoring/logging; email monitoring/logging; attachment monitoring/logging; website monitoring/logging; network activity monitoring/logging; files transferred monitoring/logging; document tracking monitoring/logging; screenshot capture; program activity monitoring/logging,” according to the solicitation.

And the tool must be able to gather all this data without tipping off the employee: “The end user must not have the ability to detect this technology,” the solicitation notice states.

Other specifications include the ability to withstand hacking by staffers who try to disable or “kill the process,” and the capacity to search for patterns and connections -- in other words “mine through all the collected data using built-in or third-party tools.”

Potentially, TSA also would monitor Apple Mac operating systems, according to the procurement papers.

The suggested motives of federal leakers range from vigilantism to discrediting people to self-promotion, including recent allegations that the White House divulged to the press details about a thwarted airline bomb plot and cyber strike on Iran to heighten President Obama’s popularity.

According to Wednesday’s notice, the branch of TSA that decided on the need for insider threat software was the Focused Operations arm, which performs digital evidence collection, intrusion analysis, malicious code reverse engineering and e-discovery.

The desired tool must be able to automatically transfer harvested data to a central command, as well as “alert” officials of abnormalities “based on specific criteria such as a name and/or

combination of names,” the documents state.

On Thursday evening, TSA spokesman David A. Castelveter said in a statement, "As the agency whose serious responsibility it is to deal with national security, TSA must remain vigilant to safeguard sensitive information in order to secure the nation's transportation systems. This software is intended to assist in carrying out that mission. This initiative will be used in accordance with all federal laws and will be reserved for specific instances that meet TSA's qualifications for an insider threat."

FDA early this year ran into trouble with email monitoring when employees sued the agency for allegedly bugging their government-issued computers in response to them informing the Office of Special Counsel about FDA's approval of unsafe medical devices. The personnel claimed the spyware intercepted screen shots in real-time and opened legally protected personal emails.

Special Counsel Carolyn Lerner in Wednesday's memo stated, "We strongly urge executive departments and agencies to evaluate their monitoring policies and practices, and take measures to ensure that these policies and practices do not interfere with or chill employees from using appropriate channels to disclose wrongdoing."

The Whistleblower Protection Act permits federal employees to provide the office with any communications, including confidential business information, that disclose government waste, fraud, abuse, gross mismanagement or health and safety issues, according to special counsel officials.

By Aliya Sternstein

June 21, 2012

<http://www.nextgov.com/cio-briefing/2012/06/tsa-wants-spyware-screen-employees-digital-activities-leaks/56393/>

From: Miles, Adam
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June 21, 2012

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To: [efile](#)
Subject: Anthony Gucciardi | Monsanto Faced with Paying 7.5 Billion Back to Farmers
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WEDNESDAY, 20 JUNE 2012

Jim Hightower | Super PACs and Secret Money Destroying America's Democracy

 **Jim Hightower, Op-Ed:** "These totally secret corporate political funds are laundered through outfits organized under Section 501(c)(4) of the tax code as (WARNING: The following fact is so stupefying that it can cause temporary insanity in sensible people) nonprofit 'social welfare organizations' engaged in charitable work! Never mind that the welfare of the plutocracy is the cause being served by this perverse philanthropy."


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Tens of Millions of Children Living in Poverty in the World's Richest Countries

 **News Report:** "The Nordic countries and the Netherlands have the lowest rates of relative child poverty, at around seven per cent. Australia, Canada, New Zealand and the United Kingdom have rates of between 10 and 15 per cent, while more than 20 per cent of children in Romania and the United States live in relative poverty. Particularly striking in Report Card 10 are the comparisons between countries with similar economies, demonstrating that government policy can have a significant impact on the lives of children."


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A 150-Year Experiment: Colleges that Serve Everyone

 **Leodis Scott, Op-Ed:** Land-grant institutions, since their inception with the First Morrill Act of 1862, have been in a continual process of renewing and transforming their traditional mission. This transformation requires mutual, reciprocal, and shared relationships between institutions and communities. However, many land-grant institutions today express difficulties in quantifying community voices to benchmark, assess, and evaluate significant outcomes and systematic change.

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Dean Baker | The Story of the Housing Crash Recession That Politicians Don't Want to Tell

 **Dean Baker, News Report:** Unfortunately President Obama's economic advisors have not been much more straightforward with the American people, never offering a clear explanation of why the economy has taken so long to recover. They have pointed

FROM AROUND THE WEB

GREEK POLITICS

Antonis Samaras as Greece Prime Minister

Amid economic turmoil that threatens the entirety of Europe, country begins to form a new government.

STRONG>SYRIAN UNREST

Evacuating Wounded from Syria

Aid teams stood ready to enter the contested Syrian city of Homs to evacuate people trapped and wounded by 10 days of fighting between rebels and forces loyal to President Bashar al-Assad.


US/PAKISTAN RELATIONS

Obama Death Drone Figures Not Adding Up

out that economies often take long to recover from the effects of a financial crisis like to the one we experienced in the fall of 2008, but that is not an explanation for why we have not recovered.


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JPMorgan's Connections to the House Finance Committee

 **Cora Currier, News Report:** The Securities and Exchange Commission is looking into how JPMorgan disclosed risks to shareholders. SEC chairman Mary Schapiro outlined in testimony to the House today the various kinds of disclosure the SEC can target, without going into details on JPMorgan. JPMorgan has two former SEC enforcement heads working for them now.


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20 Questions: Why You Should Join Today's March Against Money in Politics

 **Richard (RJ) Eskow, Op-Ed:** "The worst symptom of money's corrupting influence usually comes bearing the 'bipartisan' label. A good example of this bought-and-paid-for 'bipartisanship' is the new venture between former Republican Party official Michael Steele and Lanny Davis, a former Clinton White House official whose pandering work for dictators has made him the symbol of everything venal about today's insider political process."


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Julian Assange of WikiLeaks Seeks Asylum in Ecuador in Attempt to Avoid Extradition to U.S.

 **Amy Goodman, Video Report:** "'In my view, it is a situation of political persecution of Julian Assange for his political activities,' says Michael Ratner, a member of Assange's legal team. 'It fits in the asylum application procedure under the Declaration of Human Rights.' In an apparent reference to the United States, an Ecuadorean official said Assange fears being extradited 'to a country where espionage and treason are punished with the death penalty.'"


[READ](#) | [DISCUSS](#) | [SHARE](#)

Froma Harrop | The Dream Act Undeferred

 **Froma Harrop, Op-Ed:** "The context for Obama's move is quite interesting. Obama is the first president in a long time to have taken the immigration laws seriously. He's been going after employers who hire undocumented workers. Deportations during his administration have exceeded 1 million, the most since 1950. His active enforcement of the immigration laws has made him suspect among some Hispanic activists while winning scant praise from right-wingers."


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Day 276: Live Coverage of the Occupy Movement

 **Josh Harkinson, Special Coverage:** "As we enter Day 276 of the Occupy movements the protests have spread not only across the country but all over the globe. Thousands of activists have descended on Wall Street these past weeks as part of the #OccupyWallStreet protest organized by several action groups. What follows is a live video stream and live Twitter feed of this event."

[READ](#) | [DISCUSS](#) | [SHARE](#)

Anthony Gucciardi | Monsanto Faced with Paying 7.5 Billion Back to Farmers

 **Anthony Gucciardi, News Analysis:** Monsanto appealed the decision and the case is now suspended until a further hearing is initiated by the Justice Tribune of the

Reported deaths from drone strikes from this year and last year do not make sense.

WAR ON TERROR


CIA 9/11
Declassified
Documents
Released

CIA reported that capturing Osama bin Laden was highly unlikely.

local court stationed in Rio Grande do Sul. Recently, however, the Brazilian Supreme Court declared that any decision reached in a local court case should apply nationally. The result? Monsanto now faces even larger charges, due to the larger legal application on a national level. Now, the charges total or exceed 7.5 billion dollars.


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Clarity About Austerity

 **Michael Spence, Op-Ed:** Greece has no good options, but a serious contagion risk remains to be contained in order to prevent derailment of the fiscal and growth-oriented reforms in Italy and Spain. In the face of high systemic risk, private capital is leaving banks and the sovereign-debt markets, causing governments' borrowing costs to rise and bank capitalization to fall. This in turn threatens the functioning of the financial system and the effectiveness of the reform programs.

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U.S. Chamber, GOP Block Election Ad Transparency Bill

 **John Dunbar and Rachael Marcus, News Report:** "Chamber spokeswoman Blair Latoff called the bill 'politically motivated' and designed to single out and stifle the speech of ...the business community. The bill does not ban businesses from election advertising — it only requires them to go public. When asked how DISCLOSE would 'stifle' speech, the Chamber did not respond. Advocates for disclosure say the speech issue is a smoke screen."

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From: NationofChange
To: [efile](#)
Subject: Robert Scheer | Democrats Failed in Wisconsin Because They Failed Wisconsin
Date: Friday, June 8, 2012 4:34:44 PM

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FRIDAY, 08 JUNE 2012

Over the last few months, you've helped us to level several well-aimed blows at biotech giant Monsanto.

In March, you joined us as we Occupied Monsanto facilities in Oxnard, California. Next you helped us launch a month-long public billboard campaign right in Monsanto's hometown of St. Louis, Missouri. Our goal was to raise awareness about Monsanto's crimes against human health and the environment and put the company on notice that the people will not stand for their actions.

Now, we're raising the stakes once again. NationofChange with the help of our readers is preparing a [nation-wide television ad campaign](#) with the explicit goal of revealing Monsanto's role of exploitation, corruption, and destruction and its cost on our communities and planet.

[Click here to learn more!](#)

Bringing the Battlefield to the Border



Todd Miller, Op-Ed: These lines of division have not only undergone a rapid build-up, but have fast become the accepted norm. According to anthropologist Josiah Heyman, the muscling up of an ever more massive border enforcement, interdiction, and surveillance apparatus "has militarized border society, where more and more people either work for the watchers, or are watched by the state."

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TransCanada's Latest Extreme Energy Pipelines in the U.S. and Canada

Steve Horn, News Analysis: The key nugget here: with or without the Keystone XL pipeline, there are already several Canada-U.S. border-crossing tar sands pipelines that snake their way to Cushing and then down to Port Arthur for eventual exportation. Examples include the 2009 Obama administration-approved Enbridge

FROM AROUND THE WEB

NATIONAL SECURITY

Congress Still Working to Stop Intelligent Leaks

The information leaks are outraging US politicians

WAR ON TERROR

Suicides on the Rise Again With US Troops

The rising number of deaths this year has officials surprised.

POLITICS

Obama Campaign Raises Questions About Wealth of Romney

Romney's details of his wealth not fully revealed.



Alberta Clipper Pipeline, Enbridge's Line 9 Pipeline (referred to as "Keystone XL East," by some), and

TransCanada's original and already-existing Keystone Pipeline.

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40 Million Strong: Underwater Homeowners Can Fight And Win ... If They Get Organized



Richard (RJ) Eskow, Op-Ed: That's right: The number of people living in underwater homes is larger than the number of people living in twenty-two states and the District of Columbia. The residents of those states are represented by 44 Senators. The number of people living in underwater homes is greater than the entire population of California, our largest state. How many voting-age people live in underwater homes?

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Republicans Vote to Block Transparency on Political Ads



Justin Elliott, News Report: The information, which includes who buys ads, for how much, and when they run, is currently open to the public but is available only on paper at individual stations. Media companies have lobbied hard against the rule, and the National Association of Broadcasters recently sued in federal court to stop it. The rule is currently under review by the government and will not go into effect until July at the

earliest.

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Translating the Quebec Student Protests



Joan Donovan, Op-Ed: The movement has faced a challenge in that mainstream media accounts of it reflect a severe cultural divide. While the English media portray the students as entitled and naïve, usually siding with the government, the French reports depict a vastly different scene of students fighting for the civil rights of generations to come. Disheartened by the English language media coverage of Bill 78, a group of friends

hatched a plan to fight back using a tumblr blog, aptly titled Translating the Printemps Érablé (Maple Spring).

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Germany Swaps Nuclear for Solar and Wind Power

Oliver Lazenby, News Analysis: Germany has already closed eight nuclear reactors, and the rest will be shut down by 2022. For now, natural gas is filling the void left by nuclear power, which formerly produced 20 percent of the country's electricity. Under Merkel's plan,



80 percent of Germany's energy will come from renewables by 2050, according to the German Advisory Council on the Environment.

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Ahead of Trial, Bradley Manning Seeks Withheld Gov't Evidence and Dismissal of 10 Charges



Amy Goodman and Juan Gonzalez, Video Report:

Army whistleblower Bradley Manning was seen by the public this week at a pre-trial hearing in a military court at Fort Meade, Maryland. The 24-year-old Private is accused of leaking hundreds of thousands of documents to the whistleblowing website WikiLeaks including secret files on the Iraq and Afghan wars. Manning's attorneys are seeking the dismissal of 10 of the counts against

Manning as well as the release of hundreds of thousands of documents relating to the alleged leak.

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Obama and Marijuana: A Great Betrayal?



Alexander Cockburn, Op-Ed: The feds wanted to make it completely clear that, whatever Obama might hint at, they weren't going to be hog-tied by wussy state laws. Bust a guy in a wheelchair; bust a dispensary; make your point: I'm the man. Bruce Anderson, editor of the Anderson Valley Advertiser, describes the realities: "In just the last week, raids were conducted on two homes, one in Eureka, one in Redwood Valley, where better than

\$400,000 cash was confiscated by the forces of law and order.

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BP in Deep Water with Scientific Integrity Advocates



Molly Peterson, News Analysis: "In reviewing our private documents, BP will probably find email correspondence showing that during the course of our analysis, we hit dead-ends; that we remained skeptical and pushed one another to analyze data from various perspectives; that we discovered weaknesses in our methods (if only to find ways to make them stronger); or that we modified our course, especially when we received

new information that provided additional insight and caused us to re-examine hypotheses and methods."

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Robert Scheer | Democrats Failed in Wisconsin Because They Failed Wisconsin

Robert Scheer, Truthdig Op-Ed: Instead of visiting, Obama tweeted: "It's Election Day in Wisconsin tomorrow, and I'm standing by Tom Barrett. He'd make



an outstanding governor. -bo.” Not a word of support for the unions that so slavishly support the president and spent millions propping up Barrett. “Bo” emerged with his popularity intact, according to exit polls, and he will do better in November than Barrett did this week, despite

media attempts to treat the Wisconsin election as an omen of things to come.

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State Integrity Investigation Provides ‘Roadmap’ for Ethics Reform



Caitlin Ginley, News Report: Among the reform recommendations is a multi-faceted plan to improve ethics enforcement, a category in which Florida failed on its risk scorecard, particularly by giving the ethics commission authority to self-initiate investigations. Dan Krassner, Integrity Florida's executive director, said the new report was timed to precede the Florida Commission on Ethics' June 15 meeting — a meeting at which the

commission will set its priorities for the 2013 legislative session.

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Obama Resists Growing Pressure to Intervene in Syria



Jim Lobe, News Analysis: In recent days, the neo-conservatives have been joined by a few liberal interventionists, including former secretary of state Madeleine Albright's spokesman, James Rubin, who argued in [foreignpolicy.com](#) that overthrowing Assad could forestall an Israeli attack on Iran, and her ambassador to Morocco, Marc Ginsberg, who called for the administration to "send the Neville Chamberlin (sic)-

wannabe former SecGen (Annan) back to his rocking chair."

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From: McClain, Robert
To: [Oakland Field Office](#)
Subject: Reuters Article
Date: Thursday, June 7, 2012 8:46:40 AM

Analysis: Despite outrage, security leaks may go unplugged

By Mark Hosenball and Susan Cornwell | Reuters

WASHINGTON (Reuters) - Democratic and Republican intelligence experts in Congress are joining forces to condemn a series of jaw-dropping intelligence leaks which some Republicans charge are timed to boost President Barack Obama's re-election campaign.

But castigating leakers and questioning their motives may be a lot easier than coming up with remedies that might make leaking more difficult and risky.

On Wednesday, the leadership from both parties of the Senate and House Intelligence Committees issued a rare joint statement deploring recent leaks which have included reports on U.S. cyber warfare against Iran, procedures for targeting militants with drones, and the existence of a double-agent who penetrated a militant group in Yemen.

The committee leaders said their panels would consider legislation to "strengthen authorities and procedures with respect to access to classified information and disclosure of it, as well as to ensure that criminal and administrative measures are taken each time sensitive information is improperly disclosed."

The pending intelligence authorization bill could become a vehicle for new efforts to tighten laws against leakers, lawmakers said.

The revelations of U.S. secrets in the media have sparked a bitter presidential election-season exchange of words.

Republican Senator John McCain on Tuesday accused the Obama administration of leaking classified information for political advantage to burnish the Democratic president's national security credentials.

This drew a sharp reaction from the White House.

"Any suggestion that this administration has authorized intentional leaks of classified information for political gain is grossly irresponsible," White House press secretary Jay Carney said, adding that officials take all necessary steps to protect sensitive data.

ACTUALLY DOING SOMETHING

But however much both sides condemn leaks, talking about them is likely to prove much easier than actually doing something to curb unauthorized disclosures.

Historically even minor efforts to tighten laws against leakers have met with strong resistance

from whistleblower advocates who contend it could be used to conceal government wrongdoing.

For example, a measure was blocked that would have let government agencies revoke pension benefits of former officials who violated rules that books or articles they published after leaving the government first be vetted by appropriate agency review boards.

During the Clinton administration, Congress passed a bill that would have declared it illegal for anyone to disclose without authorization information they knew to be classified. A former government official said the Justice Department backed the law, but ultimately President Bill Clinton vetoed it.

In 2002, John Ashcroft, President George W. Bush's attorney general, sent a nine-page letter to then-House of Representatives Speaker Dennis Hastert suggesting steps to crack down on leaks. They included requiring federal agencies to be more aggressive in reporting classified information leaks to the Justice Department, and tightening non-disclosure agreements signed by government employees to include penalties for possible perjury.

It is unclear how many of his recommendations were adopted.

The Obama administration has been much more aggressive than its predecessor in prosecuting government officials accused of leaking classified information to reporters.

But, the current administration has largely avoided confronting journalists who obtain classified information - a step secrecy experts say prosecutors almost certainly would have to take if the government really wanted to put a lid on leaks. That step is full of legal and political peril, however, as it runs into the Constitution's free press protections.

Following the wholesale leak of low-level classified documents to WikiLeaks, including field reports from U.S. military personnel in Afghanistan and Iraq and cables filed by U.S. diplomats around the world, the White House did set up a high-level task force to tighten control over classified information.

But if the latest congressional complaints are any indication, leaks are as frequent as ever. The fact that they are occurring in an election year means that the issue could attract the kind of attention that makes both politicians and the media uncomfortable.

(Editing by Warren Strobel and Vicki Allen)

From: McClain, Robert
To: [Oakland Field Office](#); [Venier, Rachel](#)
Subject: Article
Date: Monday, June 4, 2012 11:02:30 AM

<http://www.mcclatchydc.com/2012/06/03/150548/commentary-state-dept-promotes.html>

McClatchy Washington Bureau

Posted on Sun, Jun. 03, 2012

Commentary: State Dept. promotes freedom abroad but supresses whistleblower here

Dennis Jett | Special to McClatchy Newspapers

last updated: June 01, 2012 11:18:13 AM

Secretary of State Hillary Clinton forcefully intervened recently on behalf of Chen Guancheng, the blind Chinese dissident, who has been hounded by his government for criticizing official policy. It's too bad she won't afford the same consideration to the employees of her own department.

Mr. Chen invoked the wrath of his government because he used the Internet and social media to draw attention to actions and policies that were fundamentally flawed. The response to such efforts was to use legal pretexts and criminal charges in an attempt to silence him.

His treatment was so bad that he escaped from house arrest and sought political asylum in the American embassy. After some very skillful diplomacy, and a desire on both sides to avoid his case doing major damage to relations between the two countries, Mr. Chen was allowed to leave the embassy and accept a scholarship in the United States. He is now in New York with his wife and two children and will be studying law at New York University.

Secretary Clinton has made defending the kind of freedom of expression that Chen tried to practice one of the hallmarks of her time in office. In a speech at the Newseum in Washington in early 2010, she insisted citizens must have the right to criticize their governments not just in the public square, but also in blogs, emails, social networks, text messages and other new forums for exchanging ideas. Governments should not attempt to censor or limit such activity she asserted, noting proudly that the State Department was working in more than 40 countries to help individuals silenced by oppressive governments.

Why, then, is the State Department trying to silence one of its employees for remarks it does not like and attempting to criminalize his exercise of freedom of speech? Peter Van Buren served as a Foreign Service Officer with the State Department for 23 years and led two Provincial Reconstruction Teams in rural Iraq in 2009-2010. Upon his return, he wrote a book about his experience entitled “We Meant Well: How I Helped Lose the Battle for the Hearts and Minds of the Iraqi People,” which the Department reviewed and cleared for publication.

The book is as lighthearted as it is scathing in its description of the waste, fraud and mismanagement of the attempted reconstruction of Iraq. It provides a superb understanding of what anyone who can spell nation-building knows, namely, that it is a goal that is impossible to accomplish when the local political elite care more building their own power than building their nation. A recent New York Times article on the utter failure of attempts to train the Iraqi police is but one example.

The book and a blog by Van Buren were apparently more freedom-of-expression than the State Department could tolerate however. His security clearance and building pass were taken away and, after a lengthy investigation by the Bureau of Diplomatic Security, he was told he was being fired for among other things, putting a link in his blog to a cable on the WikiLeaks website. This despite the fact that the Justice Department rejected the notion that the link constituted the mishandling of classified material. The Department also insisted Van Buren should have cleared his blog entries prior to being posted and that he should not have used it to criticize Clinton or to call Michelle Bachmann crazy.

The American Civil Liberties Union has taken up Van Buren’s case and pointed out there is no justification for the restraints put by the Department on its employees’ free speech. The ACLU also concluded that the Department’s actions “create the strong appearance of impermissible retaliation” against Van Buren and urged that he be reinstated.

The chilling effect on State Department employees of such a blatant attempt to silence unwelcome opinions is apparently not limited to Van Buren’s case. The American Foreign Service Association, the professional association of the Foreign Service, gives four annual awards each to recognize employees who have “exhibited extraordinary accomplishment involving initiative, integrity, intellectual courage and constructive dissent.” In three of the last four years, there has been no winner of the award for either junior officers or senior officers.

ABOUT THE WRITER

Dennis Jett, a former U.S. ambassador to Mozambique and Peru, is a professor of international affairs at Penn State’s School of International Affairs.

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Date: Thursday, May 31, 2012 1:40:03 PM

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THURSDAY, 31 MAY 2012

Obama and Drone Warfare: Will Americans Speak Out?

 **Medea Benjamin, Op-Ed:** "Shahzad Akbar, a Pakistani lawyer suing the CIA on behalf of drone victims, thinks it's time for the American people to speak out. 'Can you trust a program that has existed for eight years, picks its targets in secret, faces zero accountability and has killed almost 3,000 people in Pakistan alone whose identities are not known to their killers?,' he asks. 'When women and children in Waziristan are killed with Hellfire missiles, Pakistanis believe this is what the American people want. I would like to ask Americans, 'Do you?'"


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Wal-Mart, Sponsor of 'Acres for America' Program, Drops Anti-Public Lands ALEC

 **Jessica Goad, News Report:** "Wal-Mart Stores, Inc. just announced this morning that it is dropping out of the American Legislative Exchange Council, the right-wing corporate front group that drafts and shares conservative legislation with state legislators. It has been behind various state 'stand your ground' gun laws, voter suppression laws and efforts to teach climate change denial in schools. Wal-Mart's decision to drop ALEC makes sense in the context of their successful 'Acres for America' program."


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First Super Weeds, Now Super Insects -- Thanks to Monsanto

 **Dr. Mercola, News Report:** "This pesticide-producing corn entered the food supply in the late 1990's, and over the past decade, the horror stories have started piling up. And the problem with Bt crops go far beyond the creation of Bt-resistant insects. Monsanto and the EPA swore that the genetically engineered corn would only harm insects. The Bt-toxin produced inside the plant would be completely destroyed in the human digestive system and would not have any impact at all on consumers, they claimed."

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Night Falls, Power Rises, in Montreal

 **Cindy Milstein, Op-Ed:** "Hours later, after marching with thousands and thousands of people who never stopped banging on the asundry metal noisemakers as we snaked our way for miles through Montreal, past tiny stickers of red or with words

FROM AROUND THE WEB

FUKUSHIMA TUNA

Tuna
Contaminated
With
Fukushima
Radiation

Scientists discovered bluefins off the coast of California containing trace amounts of cesium.

EUROPE ECONOMY

Obama Speaks
with European
Leaders about
Euro crisis and
Syria


President Barack Obama discussed developments in Europe as well as in Syria on Wednesday in a video conference with German Chancellor Angela Merkel, French President Francois Hollande and Italian Prime Minister Mario Monti, the White House said.

SYRIAN UNREST

on street signs and lampposts, or big swathes of radical graffiti slogans, it was hard to tell whether our legs or ears hurt more—or as my Plateau East friend said, Emma Goldman may have wanted a revolution to dance to, but this ‘walking’ revolution is hard on the feet!”


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Conservative Outside Groups Plan to Spend \$1 Billion to Retake the White House

 **Suzanne Merkelson, News Report:** “We always knew that the 2012 presidential election would be expensive. While President Obama’s super PAC has struggled to raise cash, a network of conservative outside groups, including those led by Karl Rove, the Koch brothers, as well as the U.S. Chamber of Commerce, is planning to spend about \$1 billion on the election in November.”


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Bipartisan Assault on Middle East Peace

 **Stephen Zunes, Op-Ed:** “Earlier this month, the House of Representatives passed a dangerous piece of legislation (H.R. 4133) which would undermine the Israeli-Palestinian peace process, weaken Israeli moderates and peace advocates, undercut international law, further militarize the Middle East, and make Israel ever more dependent on the United States.”


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U.S. Corporations Send Mixed Messages on Climate Science

 **Carey L. Biron, News Analysis:** “According to a report released by the Union of Concerned Scientists (UCS) here on Wednesday, at least half of the U.S. corporations under review have actively supported the misrepresentation of the science around climate change. Many more have offered contradictory statements on the issue. This despite the fact that all of the 28 companies included in the study have publicly expressed general or concerted support for emissions reductions.”


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Freed Bahraini Activists Nabeel Rajab & Zainab Alkhawaja Urge End to U.S.-Backed Crackdown

 **Amy Goodman, Video Interview:** “We go to Bahrain to speak with two recently released political prisoners, Zainab Alkhawaja and Nabeel Rajab, both jailed for protesting the U.S.-backed monarchy. Rajab, the president of the Bahrain Center for Human Rights, was released on bail after being held for nearly a month. ‘We always thought that America and Bahrain’s good relations would benefit our fight for freedom and democracy in our region, but it has turned out to be opposite,’ he says. ‘They are supporting a dictator here, the oppressive regime... We have to suffer for being a rich region.’”

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Why Cory Booker got Bain Capital so Wrong

 **Joe Conason, Op-Ed:** “Cory Booker’s emotional televised plea to ‘stop attacking private equity’ may have been the single greatest service he could perform for the Romney campaign. His immediate attempt to revise his remarks on behalf of President Obama, for whom he is supposed to act as a surrogate, only highlighted his earlier insistence that the harsh campaign criticism of Bain Capital, which he specifically defended, is ‘nauseating.’”

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Anthony Gucciardi | Even the American Medical

U.N. Chief Warns of Possible Civil War in Syria


Ban Ki-moon says massacres of civilians such as in Houla last weekend could set off a devastating civil war.

SALARY DISCRIMINATION

What He and She Makes


Asking the awkward question may be the first step toward solving pay discrimination.

Association (AMA) May Back Labeling of GMOs

 **Anthony Gucciardi, News Report:** “Despite the facade put in place by Monsanto that virtually all mainstream medical organizations believe there is no difference between traditional and genetically modified organisms, even the American Medical Association (AMA) may soon support the labeling of GMOs through federal legislation or regulation. In an attempt to accelerate the process towards the direct labeling of GMOs, the Indiana State Medical Association and Illinois State Medical Society have both introduced resolutions to the AMA on the subject.”


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Day 256: Live Coverage of the Occupy Movement

 **Josh Harkinson, Special Coverage:** “As we enter Day 256 of the Occupy movements the protests have spread not only across the country but all over the globe. Thousands of activists have descended on Wall Street these past weeks as part of the #OccupyWallStreet protest organized by several action groups. What follows is a live video stream and live Twitter feed of this event.”


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Amy Goodman | WikiLeaks, War Crimes and the Pinochet Principle

 **Amy Goodman, Op-Ed:** “WikiLeaks founder Julian Assange’s protracted effort to fight extradition to Sweden suffered a body blow this week. Britain’s Supreme Court upheld the arrest warrant, issued in December 2010. After the court announced its split 5-2 decision, the justices surprised many legal observers by granting Assange’s lawyers an opportunity to challenge their decision—the first such reconsideration since the high-profile British extradition case from more than a decade ago against former Chilean dictator Augusto Pinochet.”


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Fox, Limbaugh Attack Holder for Speaking to Black Leaders About Voter ID Laws

 **Cam McGrath, Research:** “Attorney General Eric Holder spoke to attendees at a summit of the Congressional Black Caucus and the Conference of National Black Churches about the importance of voting as well as the significance of new voter ID laws, which disproportionately affect minorities. The summit was designed, in part, to help black leaders learn about the new laws -- yet Rush Limbaugh and a Fox News contributor attacked Holder’s appearance as ‘reprehensible’ and ‘unseemly.’”

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December Surprise? From Rubin to Pelosi, Wall Street & DC Dems Push Post-Election Austerity

 **Richard (RJ) Eskow, Op-Ed:** “On a recent Meet the Press face-off between Democrats and Republicans, a politician claimed we urgently need to cut government spending. He embraced a plan to slash vital government programs and gut retirement security, while actually cutting taxes for the rich. The only tax hikes in his plan were targeted toward the already-devastated middle class.”

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From: Google Alerts
To: [Williamson, Leslie](#)
Subject: Google Alert - whistle-blower
Date: Tuesday, May 29, 2012 9:20:10 PM

News

10 new results for **whistle-blower**

Bank of America **whistleblower** receives \$14.5 million in mortgage case

Reuters

By Rick Rothacker (Reuters) - A former home appraiser will receive \$14.5 million as part of a **whistleblower** lawsuit that accused subprime lender Countrywide Financial of inflating appraisals on government-insured loans, his attorneys said Tuesday.

[See all stories on this topic »](#)

BofA **Whistle-Blower** Gets \$14.5 Million Payday, Lawyer Says

San Francisco Chronicle

The complaint is among at least six **whistle-blower** lawsuits regulators included in the industry's settlement of mortgage practices in February. Lagow sued the bank, the second-largest in the US by assets, under the False Claims Act, charging that the ...

[See all stories on this topic »](#)

Whistleblower Woodford wins Olympus settlement

Reuters

* Hearing for unfair dismissal ends in secret deal * Subject to Olympus board approval June 8 * Woodford had been expected to sue for almost \$60 mln * Says was going sailing to celebrate By Kirstin Ridley LONDON, May 29 (Reuters) - Michael Woodford, ...

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Whistleblower Earns \$14 Million Reward in Case against Bank of America

Seattle Post Intelligencer (blog)

But thanks in part to a courageous **whistleblower**, former Brown & Williamson executive Jeffrey Wigand, Big Tobacco finally had its day of reckoning, and eventually agreed to an omnibus settlement of \$206 billion – the largest settlement ever at the time ...

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BofA **Whistle-Blower** Receives \$14.5 Million, Lawyer Says

Bloomberg

A former Countrywide Financial Corp. manager whose fraud suit contributed to the mortgage industry's \$25 billion settlement with federal and state regulators received about \$14.5 million for his efforts, his lawyers said. Kyle Lagow, an appraisal ...

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BofA **Whistle-Blower** Receives \$14.5M: Lawyer

BusinessWeek

By Hugh Son on May 29, 2012 A former Countrywide Financial Corp. manager whose fraud suit contributed to the mortgage industry's \$25 billion settlement (BAC) with federal and state regulators received about \$14.5 million for his efforts, ...

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Hagens Berman: Two Bank of America Fraud **Whistleblowers** Settle Claims ...

MarketWatch (press release)

SEATTLE, May 29, 2012 (GlobeNewswire via COMTEX) -- Attorneys representing former home appraisal manager Kyle W. Lagow, who blew the whistle on widespread fraud at Countrywide Financial, today announced the final settlement of Mr. Lagow's **whistleblower** ...

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Whistleblower Michael Woodford settles with Olympus

Telegraph.co.uk

The British chief executive who blew the whistle on a \$1.7bn (£1bn) corporate fraud at Japanese electronics giant Olympus has brokered an out-of-court deal with the company over his sacking, believed to involve a multi-million pound payout.

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Corporate Whistle Blower Center Demands the US Congress Change the Culture of ...

Albany Times Union

The Corporate **Whistle Blower** Center believes the US Congress must fully investigate a culture of incompetence at the US IRS, that frequently leaves **whistleblowers**, and cheated taxpayers sitting on the curb with nothing. The Corporate **Whistle Blower** ...

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Whistleblower stonewalled as uni ignores orders to respond

The Australian

And in the week after vice-chancellor Deborah Terry released a package of policies and principles to reassure the public and staff of the UQ's "culture of integrity", new evidence has emerged of senior executives stonewalling a **whistleblower**.

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Blogs

3 new results for **whistle-blower**

Kyle Lagow Bank Of America Lawsuit: Whistleblower Receives ...

By The Huffington Post News Editors

By Rick Rothacker May 29 (Reuters) - A former home appraiser will receive \$14.5 million as part of a *whistleblower* lawsuit that accused subprime lender Countrywide Financial of inflating appraisals on government-insured loans, his attorneys ...

The Huffington Post | Full News Feed

Pope Benedict XVI says butler whistleblower betrayed him | The ...

By Agence France-Presse

Pope Benedict XVI feels betrayed by his butler, who was arrested during an investigation into Vatican *whistle blowers*, and is determined to root moles out, spokesman Federico Lombardi said Tuesday.

"The pope is a witness to a case which ...

The Raw Story

NLRB whistle blower resigns | PrairiePundit

By Merv

NLRB *whistle blower* resigns. NY Times: Labor Board Member Resigns Over Leak to G.O.P. Allies.

The board's inspector general had found that one of its five members, Terence F. Flynn, gave information to two Republican associates, ...

PrairiePundit

Web

4 new results for **whistle-blower**

Bank of America whistleblower receives \$14.5 million in mortgage ...

From Yahoo! Finance: A former home appraiser will receive \$14.5 million as part of a **whistleblower**

lawsuit that accused subprime lender Countrywide Financial ...
[finance.yahoo.com/.../bank-america-whistleblower-receives-1...](#)

Corporate **Whistle Blower** Center Demands the US Congress ...

From Yahoo! News: The Corporate **Whistle Blower** Center believes the US Congress must fully investigate a culture of incompetence at the US IRS, that ...
[news.yahoo.com/corporate-whistle-blower-center-demands-us...](#)

Vatican Denies Senior Cardinal is 'VatiLeaks' **Whistleblower** | The ...

Vatican Denies Senior Cardinal is 'VatiLeaks' **Whistleblower**. Stephen: Hot on the heels of the arrest of the head of the Vatican Bank comes more scandal from ...
[the2012scenario.com/.../vatican-denies-senior-cardinal-is-vatil...](#)

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MONDAY, 14 MAY 2012

Jim Hightower | Coddling the 10 Percent



Jim Hightower, Op-Ed: Think you might qualify? You do... if you have a minimum of \$500,000 to open one of these mass-affluent accounts. Otherwise, you fall into a category called "lower-margin" customers — so go get in the ATM line, Bucko. This half-million-dollar-and-up bunch are not the 1-percenters. Instead they are the 10-percenters, and they've suddenly become hotly coveted by JPMorgan Chase, Citigroup, Bank of America, and other

big chain banks.

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The Radical History of Mother's Day



Laura Kacere, Op-Ed: "Mother's Day began in America in 1870 when Julia Ward Howe wrote the Mother's Day Proclamation. Written in response to the American Civil War and the Franco-Prussian War, her proclamation called on women to use their position as mothers to influence society in fighting for an end to all wars. She called for women to stand up against the unjust violence of war through their roles as wife and mother, to

protest the futility of their sons killing other mothers' sons."

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Steve Horn | Russia Today and the New Cultural Cold War



Steve Horn, News Analysis: With punchy coverage on political and social topics of great importance, be it the ongoing collapse of American news networks, domestic drone use, the U.S. covert war in Somalia, poverty and economic inequality, Occupy Wall Street, among many other topics, some would even go so far to claim that it is better than the American mainstream news press.

Recently, RT launched a show hosted by Wikileaks'

Founder Julian Assange, adding credibility, in the judgment of some observers, to RT's slogan "question more."

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FROM AROUND THE WEB

FACEBOOK

Facebook IPO Could be \$100B Gift for CEO That Turns 28

Biggest week for Mark Zuckerberg who turns 28.

GREEK FINANCIAL CRISIS

Anti-Bailout Bloc Syriza, Rejects Greek President Invite to Join Final Round of Talks

Alexis Tsipras against a pro-bailout government and Syriza will not support it.

POLITICS

Protesters Arrested at Obama Chicago Office

Eight protesters arrested at President Obama's

New Radical Alliances for a New Era

campaign reelection
headquarters.

Harmony Goldberg and Joshua Kahn Russell, Op-Ed: Many have been slogging away in the trenches for years, pushing against the political winds and doing the slow work of organizing to build popular power within communities hit hardest by the economic and ecological crises. It was hard work, and it moved slowly. Last fall, Occupy exploded on the scene and challenged many of our assumptions about what was possible. By offering both an inspiring political tactic (“occupy”) and a unifying frame (“We are the 99%”), the Occupy movement was able to tap into the mass anger about the crisis that had been brewing for years.

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What Makes Koch Industries ‘Big Oil’ and Why You Shouldn’t Believe the Claims Saying it Isn’t



Rebecca Leber, News Report: Shockingly, Factcheck.org and the Washington Post have taken up Koch’s argument. Factcheck.org wrote that despite Koch’s \$100 billion revenue, the corporation’s diverse holdings mean “it is hardly in the league of the truly ‘big oil’ companies.” The Washington Post Fact checker took the same angle. While it’s true the most profitable U.S. corporations — ExxonMobil and Chevron — are larger

than Koch, using this standard to claim the company isn’t Big Oil is incorrect.

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Tom Engelhardt | America as a Shining Drone Upon a Hill



Tom Engelhardt, Op-Ed: “In the service of this war, in the midst of a perpetual state of war and of wartime, every act committed by these leaders is, it turns out, absolutely, totally, and completely legal. We have their say-so for that, and they have the documents to prove it, largely because the best and most elevated legal minds among them have produced that documentation in secret. (Of course, they dare not show it to the rest of us,

lest lives be endangered.)”

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N.Y. Congressman Will Reimburse Costs for \$22,000 Taiwan Trip



Justin Elliott, News Report: The ethics committee has not offered comment in response to calls and emails. As we reported Thursday, Owens mandatory pre-travel filings with the ethics committee did not mention the role of Park Strategies lobbyists organizing the trip. House rules state: “Member and staff participation in officially-connected travel that is in any way planned, organized, requested, or arranged by a lobbyist is prohibited.”

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Bank of America, Bad for America

Video Report: In addition to outside marches, there were also critics of BoA inside the annual meeting, with dissidents introducing shareholders’ resolutions challenging the bank’s overseas tax havens and its



support of environmentally destructive mining practices. As Zach Carter of the Huffington Post reported, Bank of America CEO and public enemy number one Brian Moynihan defended the company's operation of

subsidiaries in nations identified as international tax havens by saying, "We're a global business," suggesting that Bank of America needs its sub-companies in other nations because that's where the business is. "I don't think there's a whole lot of Bank of America operations in the Cayman Islands," one disgruntled shareholder responded.

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Prescott Ouija: Will Americans have to endure another Bush? Ask Grandpa Bush



Stephen Pitt, Illustration: Stephen Pitt is NationofChange's art director. Stephen is a southern California artist whose work focuses on matters political, social, and economic. In 2004 Stephen began drawing and painting political imagery to communicate his sincere displeasure with disturbing changes set in motion by ideologues acting in bad faith. With a background in figurative drawing and respect for color, Stephen traded

the 6B pencil for a digital stylus and went to work. Published by the San Francisco Chronicle and Z Magazine, Stephen's work has since been seen on Truthout and Firedoglake.

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Nomi Prins | JPM Chase Chairman, Jamie Dimon, the Whale Man, and Glass-Steagall



Nomi Prins, Op-Ed: Financial history has a sense of irony. JPM Chase was the post-Glass-Steagall repeal marriage, 66 years in the making, of Morgan Bank and Chase. Today, it is the largest bank in America, possessing greater control of the nation's cash than any other bank. It also has the largest derivatives exposure (\$70 trillion) including nearly \$6 trillion worth of credit derivatives. It is the size of a bank holding company's

deposits that dictates the extent of the risk it takes, risk 'models' notwithstanding: the more deposits, the more risk, the more potential loss.

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Palin's Rhetoric Torpedoed Medicare Savings



Wendell Potter, News Analysis: The Congressional Budget Office projects that the average annual growth in Medicare spending will be 5.8 percent between 2012 and 2020. It would have been one percentage point higher than that, according to the CBO, if not for the cost-constraining provisions of the Affordable Care Act, most notably the one that will gradually eliminate the bonuses the government pays private insurers to participate in the

Medicare Advantage program.

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Five Facts That Put America to Shame



Paul Buchheit , Op-Ed: Privatization simply hasn't worked for health care, mortgage banking, higher education, or prison management. There is little incentive for profit-motivated firms to invest in disadvantaged or underemployed Americans. That's why taxes are necessary -- to provide for the common good, and to return some of the gains from 60 years of productivity to the great majority of Americans who

contributed to our growth.

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A New Kind of May Day in Antigua



Marta Molina, News Report: Many of the 300 participants were indigenous peasant women, wearing traditional dress. These women marched through the streets of Antigua with posters demanding better work conditions and shouting out worker and campesina slogans: "Only united can women defend their rights!" and "The working woman of Santa María de Jesús is here!" The Union of Education Workers of Guatemala

(STEG), the Council to Protect the City of Antigua, the Municipal Market Workers, and the recently organized Photographers' Union all participated.

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Our Guns and Butter Economy



David Sirota, Op-Ed: The result is that America has become the true "Lord of War," as the arms dealer motto goes. We are the leading arms supplier to the developing world and we are responsible for the majority of all weapons sales across the globe. Yes, we are so committed to selling instruments of death to the rest of the planet that military industries have almost tripled their share of the U.S. economy in just a decade.

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From: (b)(6);(b)(7)
To: [Miles, Adam](#)
Subject: FW: Bill to Expand Protections for Whistleblowers and Taxpayers Passes the Senate by Unanimous Consent
Date: Wednesday, May 9, 2012 11:18:14 AM

For Immediate Release:
May 9, 2012

Contact:

American Federation of Government Employees, Emily Ryan, [202-639-6421](tel:202-639-6421)

Government Accountability Project (GAP), Tom Devine, [202-457-0037](tel:202-457-0037) or tomd@whistleblower.org

Liberty Coalition, Michael Ostrolenk, [301-717-0599](tel:301-717-0599) or michaeldostrolenk@gmail.com

National Taxpayers Union, Pete Sepp, [703-683-5700](tel:703-683-5700) or pressguy@ntu.org

OpenTheGovernment.org, Patrice McDermott, [202-332-6736](tel:202-332-6736)

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Bill to Expand Protections for Whistleblowers and Taxpayers Passes the Senate by Unanimous Consent

WASHINGTON, D.C.—In an unusual display of unanimity, yesterday the Senate passed the Whistleblower Protection Enhancement Act of 2011 (WPEA), S. 743, a landmark bill that would expand protections for federal employees who disclose wrongdoing and protect the public trust.

The bill has had a storied past over the past decade as various versions have been introduced, debated, and passed. In 2010, when it seemed enactment was finally certain, an unrelated controversy about Wikileaks muddled the debate and killed the bill. Two senators placed “secret holds” on the bill in the last hours of the 111th Congress and left town for the holidays. In fact, the WPEA has little to do with Wikileaks—except in that it will create lawful safe channels for disclosures and reduce unauthorized leaks. The Senate has affirmed that this anti-leaks, anti-corruption bill is a timely reform.

The WPEA will modernize the government whistleblower law by ensuring legitimate disclosures of wrongdoing will be protected, increasing government accountability to taxpayers, and saving billions of taxpayer dollars by helping expose fraud, waste and abuse. The WPEA will also restore and expand free speech rights, specifically covering national security and intelligence community workers, federal scientists, and Transportation Security Administration officers. The bill also will strengthen failed procedures; close loopholes; create efficiencies; and affirm lawful disclosures. For the first time, some federal whistleblowers would have a real “day in court,” since the bill provides access to a jury trial in federal district court.

The longtime champion for this reform and for whistleblowers, Sen. Daniel Akaka (D-Hawaii), was joined by 14 co-sponsors, including, Mark Begich (D-Alaska), Ben Cardin (D-Md.), Tom Carper (D-Del.), Susan Collins (R-Maine), Christopher Coons (D-Del.), Chuck Grassley (R-Iowa), Tom Harkin (D-Iowa), Mary

Landrieu (D-La.), Patrick Leahy (D-Vt.), Carl Levin (D-Mich.), Joseph Lieberman (I-Conn.), Claire McCaskill (D-Mo.), Mark Pryor (D-Ark.), and Jon Tester (D-Mont.). Our groups thank these senators for their leadership and their staff for their tireless efforts in advancing this critical reform legislation.

But now the bill must become law. A companion bill in the House, the Platts-Van Hollen Whistleblower Protection Enhancement Act (H.R. 3289), introduced by Darrell Issa (R-Calif.) and co-sponsored by Elijah Cummings (D-Md.), Paul Gosar (R-Ariz.), Todd Platts (R-Pa.), Steve Pearce (R-New Mex.), and Chris Van Hollen (D-Md.), has stalled since the Oversight and Government Reform Committee passed it in November.

Rep. Issa has promised to move the bill, stating, "We will get it through in this Congress." We urge him and the House leadership to move swiftly now to pass the WPEA to prove their commitment to tackling waste and increasing accountability to the American taxpayer.

###

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To: [Hendricks, Kenneth](#)
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Date: Thursday, May 3, 2012 10:22:23 AM

Joseph Marks | September 1, 2011 | [0 Comments](#)

Going Mobile

Technology chiefs take on security challenges as more feds turn to smartphones and tablets.

Doctors at Veterans Affairs Department medical centers will be able to pull up patient records on smartphones and tablets starting in October, and some top VA officials already are using the mobile devices for nonclassified work.

Medical providers at VA's 152 hospitals had been lobbying for years to incorporate mobile devices into their daily rounds, VA Chief Information Officer Roger Baker says, but until recently security experts told him devices such as Apple's iPhone and iPad and Google's Android weren't secure enough for veterans' personal information. With the popularity of the devices growing, though, Baker decided he had to figure out a way to "accept the risk" or VA doctors and residents would figure out how to use them anyway.

Already there had been cases of residents putting patient information on an insecure Web-based calendar.

More than three-quarters of senior executives are using agency-issued smartphones for work, according to a June survey by the Government Business Council, Government Executive Media Group's research division, and about one-third use personal smartphones to conduct agency business. The 148 survey respondents were all high-ranking government officials either at the GS-15 level or in the Senior Executive Service.

Until recently, agency-issued smartphones were overwhelmingly BlackBerrys from Research in Motion, which got a jump on the competition with stringent security features built into the devices before they ever leave the factory. Both Apple and Google have surged onto the market with less secure but more user-friendly products that are increasingly making their way into feds' pockets and forcing agency technology chiefs to adapt or be left behind. The iPhone and Android together controlled about 65 percent of the smartphone market according to a May poll by the Nielsen Co., compared with BlackBerry's 21 percent market share.

About 5 percent of GBC survey respondents said they are using agency-issued tablets and 6 percent are using personal tablet computers for work. The iPad controls a significant majority of the tablet market.

In addition to a larger share of the personal smartphone market, iPhone and Android

offer a broader array of crowdsourcing applications that could make government employees more collaborative, efficient and productive if only feds could use them.

Apple's iPad, for instance, could become a digital clipboard for VA doctors, giving them quick access not only to patients' health history, but also an easy link to medical dictionaries and journal articles to aid in diagnoses.

The open source model for iPhone, iPad and Android apps, however, is precisely what makes them less secure. The companies and third parties have developed workarounds, such as installing extra security patches once the devices are in government hands or ensuring sensitive data isn't stored on the device but rather on a secure online cloud network.

Still, bringing more of the devices into government operations heightens the risk of compromising data. When Baker approved the devices at VA, he also OK'd a slightly lower encryption standard for veteran health information, noting that federal IT must be a "pragmatic science."

Other technology chiefs have pledged to follow Baker's lead. Several agencies, including the Interior Department, have launched iPad pilot programs for nonclassified work.

On the Cyber Beat

- By [Aliya Sternstein](#)
- June 15, 2011
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Chief information security officers must balance mission requirements against threats to vital data.

From the document leaking website WikiLeaks to the rise of smartphone computing, chief information security officers are confronting ever more threats to the data they are responsible for protecting. The number of attacks against federal networks increased nearly 40 percent in 2010, while the number of incidents targeting U.S. computers overall was down roughly 1 percent for the same period. To manage risks, CISOs are gradually changing the way they watch and respond to intrusions by electronically scanning systems to remotely detect abnormalities in near real time. But they do not have the full picture yet.

For starters: The security settings on those Apple iPad tablets and Android-based smartphones that employees want to use for business and pleasure are hard for network administrators to control. "The adoption rate of consumer devices has presented a significant challenge across the government,"

acknowledges Jerry Davis, deputy assistant secretary for information security at the Veterans Affairs Department.

But CISOs cannot stop federal officials from conducting business via mobile devices, as President Obama proved when he refused to part with his BlackBerry upon taking office. "The consumerization of the tablets and the smartphones is bringing those devices into the enterprise before the enterprise is really ready for them," says Patrick Burke, senior vice president of the national security sector at SRA International. "There are capabilities that will be able to give them a situational awareness and at the same level they have with intrusion detection . . . the market is trying to deliver these capabilities, but it's not there yet."

Last year, while serving as NASA's deputy chief information officer for information technology security, Davis stepped into the spotlight by issuing a departmentwide memo rolling back requirements for periodically certifying network security compliance so managers could concentrate on automating the process. The Office of Management and Budget required agencies in January to begin electronically submitting monthly snapshots of their security posture to CyberScope, an online application that analyzes the vulnerability of IT assets governmentwide. But not every agency has the tools in place yet to do this digitally. And even agencies capable of computerized monitoring do not have the pulse of every threat vector.

Chief of the Year: Information Security For example, VA can remotely check desktops for the installation of bug fixes, updates to antivirus programs, operating system vulnerabilities and glitches in applications. But not all mobile devices are capable of connecting to the network that performs this surveillance work.

Inspectors general flagged continuous monitoring as one of the weakest performance areas in the White House's latest report on agencies' compliance with the 2002 Federal Information Security Management Act. Of the 24 major departments and agencies, two had no such program and 15 were not compliant with all the proper procedures. Managers at many of those 15 departments were not assessing security controls on an ongoing basis.

For its continuous monitoring program, the Army has scanning machinery in place to collect security stats from most IT assets. But the service is still working on translating those observations into action. "The beauty of the design for continuous monitoring is you get to see, know and do," says Michael J. Jones, chief of the emerging technologies division within the Army's CIO/G6 Cyber Directorate. The "know" elements "give the commander a better understanding of which vulnerabilities are a priority." As for "do," he adds, "that's where the leaders in the Army get paid the big bucks."

Jones expects continuous monitoring to be fully deployed and operational in 2013. "We're doing the best we can right now, as well as knowing the best we can," he says. "What we don't have right now is the ability to do that in an automated fashion."

The knowing part involves, for example, remotely tracking a system's compliance with the Army's standard security settings for PCs. Every weakness that the monitoring application uncovers is given a risk score—the higher the score, the higher the threat. The grades help officers prioritize their responses. Last fall, the Army conducted a pilot for the know component and was successful in scoring more than 20,000 IT assets.

But the pilot revealed that the scores aren't that useful for doing anything without knowing which Army organization is responsible for fixing the vulnerabilities identified. "I couldn't say that these letters, here, are Jones' responsibility versus Margaret's," Jones explains.

Another complicating factor: There's a shortage of cyber experts. According to some outside estimates, the government needs as many as 20,000 more information security professionals. Last year, which marked the first time agencies tabulated IT safeguard costs in their budgets, the figures showed that the most expensive component of cybersecurity is people. Civilian agencies spent 74 percent of their IT security funding on personnel, according to the 2010 FISMA report. Overall, about 16 percent of agencies' IT budgets went toward security, including staff, tools, testing and training. "Making the IT

security workforce more productive, more capable and more collaborative offers one of the most significant cost-effective strategies in IT security spending," the report noted.

The Army's test was performed only in the contiguous United States, but the steps should be the same when the service deploys the technology overseas, according to Jones. "What really doesn't matter is the location of these things, what does matter is the bandwidth," he says. "When you're doing things over a satellite link in Afghanistan, it's a little more challenging." In addition, the Army is examining how to keep tabs on the risks posed by iPhones, iPads and other mobile devices, Jones notes.

Heightened consciousness throughout the executive suite, as well as in the Oval Office, about the dangers posed by breaches has helped CISOs, they say. "I do have the buy-in from the department across the board, so when issues do arise we continue to push forward," Justice Department CISO Kevin Deeley explains. "We have the ear of the executives both in the department and the White House." President Obama began his administration by calling for a 60-day review of cyberspace policy governmentwide and appointed the first-ever White House cyber czar, Howard Schmidt. White House Chief Information Officer Vivek Kundra and Schmidt were heavily involved in developing the continuous monitoring metrics, Deeley says.

Mobile Threats

Security chiefs say their job is further complicated by the proliferation of smartphones and tablet computers popular with employees. Allowing consumer devices into the federal IT environment is tricky because agencies have to ensure security and privacy protocols are followed, yet at the same time, cyber officials understand that staffs need the gadgets to boost productivity and enhance operations. "One of the things we want to make sure is that people don't think we're the ones who are going to say no to everything," says Justice CIO Vance Hitch, co-chairman of the Chief Information Officers Council's Information Security and Identity Management Committee, and Deeley's boss. The committee plans to examine methods of safeguarding government information on the devices in the year ahead.

This iPhone challenge could take time to solve. Malicious applications are expected to proliferate in mobile devices, according to security firm McAfee's annual prediction of the biggest cyber threats. New this year is the projection that perpetrators will infect social media on mobile devices—a means of interaction that agencies increasingly depend on to conduct business.

The societal shift from desk-based email communications to mobile text messaging and Twitter insta-blogging has transformed the threat landscape, according to the report. For example, phishing—the practice of sending scam emails that appear to come from the recipient's bank or from Nigerians—will move to Twitter because email is no longer vulnerable, says Dmitri Alperovitch, the study's co-author and McAfee's vice president for threat research. "Email is a fairly well-protected channel these days, and people are starting to finally get the message that if that they get an email that looks too good to be true . . . it potentially needs to be reported," he adds.

Outside the CISO office, senior executives throughout government woke up to the reality of insider threats last year when a soldier allegedly downloaded reams of digital diplomatic cables and sensitive war documents for public disclosure on WikiLeaks. "It is a very viable threat and we can't sleep on it," Davis says. "WikiLeaks definitely woke up everyone."

But not many agencies have the resources to detect, in real time, internal threats from employees. "I think in a lot of cases people don't know they have an insider threat," SRA's Burke says. "In most cases, they don't have the sensors on their networks, on their PCs and their laptops and their servers to know who's logging in and what permission they have to do that."

Management is more focused on outsiders, such as the culprits who recently walked off with personal information, including passwords and perhaps credit card data from the online profiles of 77 million users of Sony's online gaming console and digital entertainment service. Applications exist that would empower CISOs to see which files their employees are accessing, "but the insider threat hasn't gained the same glamour, I guess, as the Sony PlayStation [threat]," Burke says.

After agencies get the hang of continuous monitoring, their next move could take the term "proactive" to a whole new level. "Eventually this game will have to move to the offensive side," Burke says. "We've been on the defensive side for too long." At least one agency already has started playing hardball. He notes that in April the FBI, in a first for the U.S. government, shot down a botnet—an organization that hijacks computers via remote servers to unleash malicious software. Law enforcement officials accomplished this feat by programming the offenders' servers to send stop commands destroying the malware.

Coreflood, which infiltrates only Microsoft Windows-based computers, had been used to monitor its victims' keystrokes as they typed, so intruders could steal their personal information such as bank personal identification numbers, FBI officials say. Now, even if a computer is still infected with the worm, the personal data it attempts to send the servers will trigger a kill command and inform the user's Internet service provider. Coreflood's mastermind compromised as many as 2 million computers and swiped hundreds of thousands of dollars through fraudulent wire transfers before the FBI moved in. The Justice Department obtained the servers, located in Georgia, Ohio, Texas, Arizona and California, through search warrants, and filed a civil complaint against 13 unnamed thieves.

Risk is inevitable. Fulfilling agencies' missions is the foremost goal, CISOs say. "As we try to weight operational capabilities versus security, at the end of the day, what we're trying to do is manage risks," Jones notes. "Risk is a part of our environment. You always have to keep the operational mission in mind."

Want to contribute to this story? Share your addition in [comments](#).

From: McClain, Robert
To: [Oakland Field Office](#)
Subject: UC Berkeley WB Event?
Date: Thursday, February 16, 2012 9:39:56 AM

http://www.huffingtonpost.com/greg-archer/occupy-the-truth-whistleb_b_1276465.html

Occupy The Truth: Whistleblowers Conference Rolls Into UC Berkeley

Embracing your inner activist and becoming willing to take action and/or help generate positive change in some way isn't always a smooth ride. Let's face it, even those of us who are open-minded and eager to plant a big, fat juicy kiss on the mouth of life -- as often as we can -- ultimately come to realize that sometimes, we'll run into a little bad breath.

Alas, somebody has to speak up and, more importantly, pass a (fresh) breath mint.

That said, an upcoming three-day political huddle, dubbed "Occupy the Truth: Whistleblowers Conference," piqued my interest. Think of it as an advocate/activist/info-gathering fest, and more. It unravels Feb. 17-19 at UC Berkeley and it could prove to be downright enterprising.

For starters, it's being organized by the [Fresh Juice Party](#) (FJP), the "politically prejudiced" media group, which first began generating buzz last year around this time after several of its members interrupted an [Obama Victory Fund](#) breakfast at the posh St. Regis Hotel in San Francisco. Trailblazer and FJP co-founder Naomi Pitcairn forked over the funds to secure two tables at the event, and, early on during President Obama's talk to a room full of squeaky-clean uber admirers, she stood up and, along with several FJP members, crooned a song in protest to the treatment of Pvt. Bradley Manning, the alleged leaker of U.S. military docs that were posted on WikiLeaks.

(Curiously, this week, Manning was nominated for a Nobel Peace Prize by the [The Oklahoma Center for Conscience and Peace Research](#).)

Afterward, Pitcairn was escorted out of the room, but FJP's actions became delicious fodder for the evening news and beyond. Eerily, looking back, it was somewhat of a precursor to the [Occupy Wall Street](#) movement that sprouted several months later, in September. But the incident stood was also a bold reminder that citizens can, indeed, speak up, and out, and hold the government accountable for its actions -- you know, what journalism and journalists used to do more consistently with unmitigated brawn before the Insta-Celebrity Age, Facebook and Twitter nuked our senses.

"It would be wonderful if the words and deeds of our elected officials were as sweet as fresh juice," notes the FJP site. "Information could flow as freely as the juices of a ripened orange. We think it should..."

"While it's evidently impossible to expect our government to provide us with vital information pertinent to our liberties," the site goes on, "we have the power to squeeze out the truth. All it takes is a little cooperation and our creative juices. ACTIVISM IS FUN!"

To that end, FJP writes, records and performs music, designs visuals and create happenings -- "Occupy The Truth" is its latest offspring.

The conference is touted as being for anyone who really cares about truth and transparency. More specifically, that would be practitioners and academics in the information, communication, media, computer, and library realms to, say, members of NGOs working on civil society or governance

issues. Those who are interested and/or involved in ethical, legal and regulatory aspects of information and communication are also on that list.

"We're hoping to make organic connections," Pitcairn says of what she and fellow FJP co-founders, Pratibha Gautam and Craig Casey, are delivering. "After the Obama event we felt really excited about the way we work together as a group. We wanted to try this conference because we're really interested in the truth."

Already on the list of attendees: Pentagon Papers Whistleblower Daniel Ellsberg, NSA Whistleblower Thomas Drake, Ex-CIA Analyst and Writer Ray McGovern, Actress and activist Alexandra Paul, Code Pink co-founder Jodie Evans, Writer and Former Executive Director of the Sudan Divestment Task Force, Adam Sterling, Professor/filmmaker/activist Elizabeth Stephens, Ph.D., Occupy Oakland members and a slew of other notables and everyday citizens.

The event boasts an Open Space Technology vibe, best known for its initial lack of agenda -- it creates a breeding ground for the participants to generate the agenda themselves. Loose yet structured. Friday's mixer (6 p.m.) morphs into a panel discussion on Manning, followed by a performance by the enigmatic and politically effervescent, Rev. Billy. Sessions on Saturday and Sunday begin at 9 a.m. and run through 6 p.m.

"Open Space allows the creativity and flexibility within the format of a conference, and yet it's still structured," Gautam notes. "Naomi and I made a decision to go to some Open Space workshops beforehand because we didn't want to just pick something that we didn't know anything about."

Probing deeper though, why Occupy The Truth? And why now?

"I feel like ever since we were children we wished society could be so that you could speak out, but there always seemed to be something that was preventing you from speaking out clearly about the lack of liberty and democracy, even in the United States," Gautam adds. "I mean, you could talk to your friends about it, or at school, and everyone pretty much agrees but nobody really did anything."

"And then Bush came and went, and we all tried a little bit and it didn't work, and then Obama came and nothing seemed to really happen -- again," she goes on. "And then, all of a sudden, there is this tide was turning. The Occupy Movement is a real visible representation of that -- it's happening everywhere. We see what's happening with the banks, with the military -- that we're still at war, still at Guantanamo. Now, there's a sense that everybody is feeling like a revolutionary -- all across America."

"We also want to create a network for and strengthen support for other whistleblowers," Pitcairn says. "We're hoping that the conference will help people start something new; discuss the problems that they have and try to help each other."

Another element of the event is to use new political techniques to expose the truth rather than keep it suppressed.

But at the end of the day, there could be another blessing in disguise here: debunking some of the misconceptions about "activism," in general.

"Naomi, Pratibha and I -- we're not 'hard-core' activists; we're artists," says FJP co-founder Craig Casey. "We're out there collecting data and processing it. It's just clear, at this point in history, that there are so many issues out there that need attention. It's very inspiring what keeps us going."

"I never thought I was an activist," Pitcairn muses. "I guess I am now. I think an activist is someone who does more than just vote."

<http://www.freshjuiceparty.com/occupy-the-truth-whistleblower-conference-feb-17-to-19/>

[Preview here...](#)

FRI: \$10 Registration online/at the door (*Proceeds go to Bradley Manning's defense*)

SAT & SUN: Pre-register FREE online OR Register for \$10 at the door

February 17-19, 2012

UC Berkeley International House

Location and Transportation Information

& learn more about this event below:

"There is no truth existing which I fear or would wish unknown to the whole world." - Thomas Jefferson

Transparency needs your brain. Whistleblowers need your protection. Fresh Juice Party invites you to bring your ideas.

Please join our co-sponsors **KPFA Pacifica Radio 94.1FM**, journalists, former military personnel, academics, activists, policy makers, media experts, filmmakers and whistleblowers for an open discussion designed to encourage unexpected interdisciplinary alliances and action.

Join us **Friday night, Feb. 17** for a mixer at 6pm, 7:00 – 8:30 panel discussion about Bradley Manning featuring **Daniel Ellsberg, Ann Wright** and **Ray McGovern**, followed by an entertaining and thought provoking "sermon" by the legendary **Reverend Billy**.

Saturday and Sunday, Feb. 18-19 will be a first of its kind activist/expert un-conference mix so expect to be surprised. This will be a unique participant driven environment where we will co-create the agenda for the day. Sharing, networking and creating new alliances will be central to providing strategies and support for whistleblowers. While attendees physically gather in Berkeley, there will be opportunities for contemporaneous online participation via Twitter #TruthCon, live streaming, chats, and possibly Skype for those who must attend remotely due to distance or desire to remain *Anonymous*. Please email us at info@freshjuiceparty.com to receive updates for online participation.

Come and enjoy the freedom of discussion and mobility of an unconference where serious discussion interplays with an open space atmosphere of creativity and play.

Everyone who attends will receive a book of the proceedings shortly afterwards. Sensitive materials will be treated as such.

REGISTER BELOW NOW! Or [Register at Event Brite](#)

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Online Ticketing for [Occupy the Truth: Whistleblower's Conference](#) powered by [Eventbrite](#)

Who is the Conference for? Anyone who really cares about truth and transparency.

(Practitioners and academics in the information, communication, media, computer, and library domains, members of NGOs working on civil society and good governance issues, and all who are interested in ethical, legal and regulatory aspects of information and communication.)

Participants who have already committed are, in alphabetical order:

Mikko Alanne, Filmmaker
Celia Alario, Strategist, Former Press Secretary at Arianna for Gov
Larry Bogad, Performance Artist
Dr. Jennifer Conrad, Veterinarian and Animal Advocate
Thomas Drake, NSA Whistleblower
Daniel Ellsberg, Pentagon Papers Whistleblower
Jodie Evans, Co-founder of Code Pink
Mike German, ACLU Policy Council, Former FBI Special Agent
Birgitta Jonsdottir, Member of Icelandic Parliament, Nominated Bradley Manning for Nobel Peace Prize (via Skype)
Johanna Lawrenson, Organizer and widow of the late great Abbie Hoffman
Carol Leigh, Filmmaker and Sex Workers Rights Activist
Dr. Frank Lucido, Longtime Medical Marijuana and Anti-nuclear Activist
Ray McGovern, Ex-CIA Analyst and Writer
Occupy Oakland, Oakland Community Members
Alexandra Paul, Actress and Activist
Jesselyn Radack, Government Accountability Project Attorney
Peter Samuelson, Social Entrepreneur
Cindy Sheehan, Peace activist
Joey Skaggs, Artist and Media Hoaxer
David Solnit, Activist and Writer
Annie Sprinkle Ph, Former Porn Star, Artist and Activist
Andy Stepanian, Social justice activist, Artist, Co-founder of The Sparrow Project
Elizabeth Stephens PhD, Professor, Filmmaker and Activist
Adam Sterling, Writer and Former Executive Director of the Sudan Divestment Task Force, Appeared in *Darfur Now*
Reverend Billy Talen, Activist and Performance Artist
Ann Wright, Retired Army Colonel and Activist

*We invite voices from **Anonymous** to join anonymously via Twitter **#TruthCon** throughout the conference. Their contributions will be displayed on a projection screen in the room.

Friday 6:00 pm Mixer, 7:00 pm to 8:30 pm Panel Discussion on Bradley Manning, 8:30 Reverend Billy Sermon

Saturday 9:00 am Registration and Breakfast, 10:00 am Opening Circle, Discussion Session 1, Noon to 1:00 pm Lunch, Discussion Sessions 2,3,4 and 5, 5:00 pm to 6:00 pm Closing Circle

Sunday 9:00 am Registration and Breakfast, 10:00 am Opening Circle, Discussion Session 1, Noon to 1:00 pm Working Lunch (Discussion Session 2), Discussion Session 3, 2:00 pm to 3:00 pm Closing Circle

From: Zuckerman, Jason
To: [Hendricks, Kenneth](#)
Subject: not urgent
Date: Wednesday, February 15, 2012 8:18:59 AM

Check out Tom's quote in the second to last par. of this blog post. I assume it could take hundreds of hours to response to the FOIA request described in this blog post.

OSC's classified disclosure channel – an update

Posted on [February 14, 2012](#)

The events of the past few days have only obscured the truth, not clarified it. OSC, when reached for comment, still would not clarify whether it has the means to accept highly classified disclosures and disclosures of any kind from intelligence community employees.

Further, this author tried to rely on the following press release regarding Wikileaks to support the proposition that, while OSC was supposed to accept such disclosures, it was historically unable or unwilling to do so (presumably to the point that no intelligence community employee knew about this option):

On the eve of what will reportedly be the most voluminous release of American classified documents in history, the Government Accountability Project (GAP) is stressing that the passage of the Whistleblower Protection Enhancement Act (WPEA) would dramatically reduce the frequency of such releases in the future. The WPEA provides an orderly process for national security and intelligence community employees to safely report, within the system, their concerns about government waste, corruption, lawlessness or other abuses of power.

“The present system gives national security and intelligence employees no alternative to leaks, unless they are willing to engage in professional suicide,” said GAP Legal Director Tom Devine. “There are no safe channels to work within the system. This is a ‘lose-lose’ structure. Those who need to know information too often remain ignorant, and those who have no national security duties receive the evidence of government breakdowns.”

Responding to this author's invocation of the press release, Devine stated that the bolded quote above does not lend support for the proposition above. Instead, Devine now states that **“Everybody knows that Title 5 [executive branch] employees can make classified disclosures to OSC.”** However, this is contradicted by the statements and conduct of at least two whistleblowers and GAP clients. Recall that the only thing that's changed between October 2010 and now is the presence of new leadership at OSC; the Whistleblower Protection Enhancement Act has not yet been passed by Congress.

Essentially, Devine's position today is that “[t]he present system gives national security and intelligence employees no alternative to leaks, unless they are willing to engage in professional suicide, [or unless they go to OSC].” Devine did not immediately respond to a request for comment.

To clarify things, hopefully once and for all, the following FOIA request has been sent to OSC:

1) The number of disclosures received by OSC since 1979, per 5 U.S.C. § 1213(a), from employees, former employees, or applicants for employment from agencies exempt from OSC's PPP jurisdiction per 5 U.S.C. § 2302(a)(2)(C) (e.g., CIA, NSA, etc.) for:

a) Disclosures not prohibited by law or Executive Order, per § 1213(a)(1);

i) Within par. (1)(a) above, the number of disclosures transmitted to the agency head per § 1213(c).

b) Disclosures prohibited by law or Executive Order which OSC is authorized to receive, per § 1213(a)(2);

i) Within par. (1)(b) above, the number of disclosures transmitted to the agency head per § 1213(c); and

ii) Within par. (1)(b) above, the number of disclosures transmitted to the National Security Advisor and/or the relevant intelligence congressional committees per § 1213(j).

2) The number of disclosures received by OSC since 1979, per § 1213(a), from employees, former employees, or applicants for employment from agencies that are within OSC's PPP jurisdiction for:

a) Disclosures prohibited by law or Executive Order which OSC is authorized to receive, per § 1213(a)(2);

i) Within par. (2)(a) above, the number of disclosures transmitted to the agency head per § 1213(c); and

ii) Within par. (2)(a) above, the number of disclosures transmitted to the National Security Advisor and/or the relevant intelligence congressional committees per § 1213(j).

3) Any records of any disclosure that OSC did not receive because:

a) It was filed by an employee of an agency exempt from OSC's PPP jurisdiction; and/or

b) It was highly classified and OSC did not have a properly cleared employee and/or the special equipment necessary to receive it.

See also: [OSC may be unlawfully turning away whistleblowers from the intelligence community](#)

Update: Devine responded with this statement:

"Since 1978 it has been in the U.S. Code under 5 USC 2302(B)(8)(B) that the OSC receives classified disclosures. Everybody who is literate and has read that part of the law knows this."

However, as stated before, the issue is not what the law says, it's whether OSC has abided by it, and whether agency heads and the President made sure that employees were aware of this option.

Jason Zuckerman

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<http://www.aljazeera.com/indepth/opinion/2012/02/20122119527823867.html>

The campaign against whistleblowers in Washington

Under Obama, six whistleblowers have been charged under the World War I-era Espionage Act.

Last Modified: 13 Feb 2012 11:20

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Washington, DC - On January 23, the Obama administration charged former CIA officer John Kiriakou under the Espionage Act for disclosing classified information to journalists about the waterboarding of al-Qaeda suspects. His is just the latest prosecution in an unprecedented assault on government whistleblowers and leakers of every sort.

Kiriakou's plight will clearly be but one more battle in a broader war to ensure that government actions and sunshine policies don't go together. By now, there can be little doubt that government retaliation against whistleblowers is not an isolated event, nor even an agency-by-agency practice. The number of cases in play suggests an organised strategy to deprive those in the US of any knowledge of the more disreputable things that their government does. How it plays out in court and elsewhere will significantly affect our democracy.

The Obama administration has already charged more people - six - under the Espionage Act for alleged mishandling of classified information than all past presidencies combined. (Prior to Obama, there were only three such cases in US history.)

Kiriakou, in particular, is accused of giving information about the CIA's torture programmes to reporters two years ago. Like the other five whistleblowers, he has been charged under the draconian World War I-era Espionage Act.

That act has a sordid history, having once been used against the government's political opponents. Targets included labour leaders and radicals such as Eugene V Debs, Bill Haywood, Philip Randolph, Victor Berger, John Reed, Max Eastman and Emma Goldman. Debs, a union leader and socialist candidate for the presidency, was, in fact, sentenced to ten years in jail for a speech attacking the Espionage Act itself. The Nixon administration infamously (and unsuccessfully) invoked the act to bar the *New York Times* from continuing to publish the classified Pentagon Papers.

Yet, extreme as use of the Espionage Act against government insiders and whistleblowers may be, it's only one part of the Obama administration's attempt to sideline, if not always put away, those it wants to silence. Increasingly, federal agencies or departments intent on punishing a whistleblower are also resorting to extra-legal means. They are, for instance, manipulating personnel rules that cannot be easily challenged and do not require the production of evidence. And sometimes, they are moving beyond traditional notions of "punishment" and simply seeking to destroy the lives of those who dissent.

The well-reported case of Thomas Drake is an example. As an employee, Drake revealed to the press that the National Security Agency (NSA) spent \$1.2 billion on a contract for a data collection programme called Trailblazer when the work could have been done in-house for \$3 million. The NSA's response? Drake's home was raided at gunpoint and the agency forced him out of his job.

"The government convinced themselves I was a bad guy, an enemy of the state, and went after me with everything they had, seeking to destroy my life, my livelihood, and my person - the politics of personal destruction, while also engaging in abject, cut-throat character assassination, a complete fabrication and frame up," Drake told Antiwar.com.

His attorney added: "Marriages are strained, and spouses' professional lives suffer as much as their personal lives. Too often, whistleblowers end up broken, blacklisted and bankrupted."

In Kiriakou's case, the CIA found an excuse to fire his wife, also employed by the agency, while she was on maternity leave.

Whistleblower Bradley Manning, accused of leaking army and State Department documents to the website WikiLeaks, spent more than a year in the worst of punitive conditions in a US Marine prison and was denied the chance even to appear in court to defend himself until almost two years after his arrest. Former chief military prosecutor at Guantanamo Morris Davis lost his career as a researcher at the Library of Congress for writing a critical op-ed for the *Wall Street Journal* and a letter to the editor at the *Washington Post* on double standards at the infamous prison, as did Robert MacClean for blowing the whistle on the Transportation Security Administration.

Four employees of the Air Force Mortuary in Dover, Delaware, attempted to address shortcomings at the facility, which handles the remains of all US service members who die overseas. Retaliation against them included firings, the placing of employees on indefinite administrative leave, and the imposition of five-day suspensions. The story repeats itself in the context of whistleblowers now suing the Food and Drug Administration for electronically spying on them when they tried to alert Congress about misconduct at the agency. We are waiting to see the army's reaction to whistleblower Lieutenant Colonel Daniel Davis, who documented publicly this week that senior leaders of the Department of Defense intentionally and consistently misled the American people and Congress on the conduct and progress of the Afghan War.

And this remains the most partial of lists, when it comes to recent examples of non-judicial government retaliation against whistleblowers.

Government bureaucrats know that this sort of slow-drip intimidation keeps people in line. It may, in the end, be less about disciplining a troublemaker than offering visible warning to other employees. They are meant to see what's happening and say: "Not me, not my mortgage, not my family" - and remain silent. Of course, creative, thoughtful people also see this and simply avoid government service.

In this way, such a system can become a self-fulfilling mechanism in which ever more of the "right kind" of people choose government service, while future "troublemakers" self-select out - a system in which the punishment of leakers becomes the pre-censorship of potential leakers. At the moment, in fact, the Obama administration might as well translate the famed aphorism "all that is necessary for evil to triumph is for good people to remain silent" into Latin and carve it into the stone walls of the CIA's headquarters in Langley, Virginia, or NSA headquarters at Fort Meade, or the main office of the State Department at Foggy Bottom - where I still fight to keep my job.

Silent state

I am told that, in its 223 years of existence, I am the only Foreign Service Officer ever to have written a critical book about the State Department while still employed there. *We Meant Well: How I Helped Lose the Battle for the Hearts and Minds of the Iraqi People* exposed what State did not want people to know: that they had wasted enormous amounts of money in Iraq, mostly due to ignorance and a desire for short-term successes that could be trumpeted back home. For the crime of writing this book and maintaining a blog that occasionally embarrasses, State Department officials destroyed my career, even as they confirm my thesis, and their own failure, by reducing the Baghdad Embassy to half its size in the face of Iraq's unravelling.

"The State Department was aware of Mr Van Buren's book long prior to its release," explains attorney Jesslyn Radack, who now represents me. "Yet instead of addressing the ample evidence of fraud, waste, and abuse in the book, State targeted the whistleblower. The State Department's retaliatory actions are a transparent attempt to intimidate and silence an employee whose critique of fraudulent, wasteful, and mismanaged US reconstruction efforts in Iraq embarrassed the agency."

Without allowing any rebuttal or defence, State suspended my security clearance, claiming my blogging was an example of "poor judgment", transferred me from a substantive job into a meaningless telework position, threatened felony conviction over alleged disclosure of classified information, illegally banned me from entering the building where I supposedly work, and continues to try to harass and intimidate me.

My travel vouchers from as far back as the law allows have come under "routine" re-examination. My internet activity is the subject of daily reports. My credit reports have been examined for who knows what. Department friends who email me on topical issues have been questioned by agents of Diplomatic Security, the State Department's internal police. My Freedom of Information Act request for documents to help defend myself and force State to explain its actions has been buried.

Without a security clearance, and with my Diplomatic Passport impounded, I will never serve overseas again, the lifeblood of being a Foreign Service Officer (FSO). A career that typically would extend another ten years will be cut short in retaliation for my attempt to tell the truth about how taxpayer money was squandered in Iraq.

All of this has taken place in such a way that I cannot challenge it (except by writing and speaking about it in public - at additional risk). The State Department has standard disciplinary procedures that it could have invoked against me, but those leave room for public challenges and, in some cases, would allow me to force documents into the open that State would rather not share with you.

Hall walkers: Ghosts in the machine

Before "telework" existed as an option that allowed undesirable employees to be sent home and into a kind of benign house arrest, people like me at State were called "hall walkers". They were the ones whom the department no longer wanted as employees, but who could not be fired due to lack of evidence. So they would have their security clearances suspended without recourse, be removed from their assignments, and yet told that, to get paid, they needed to be physically present in the main State building eight hours a day.

Since they were not assigned to an office, State was wholly unconcerned about how they occupied themselves during those long empty days. And though, as a "teleworker", I am not one, the hall walkers are still with us.

The main State building is enormous, with literally miles and miles of corridors, and the hall walker might wander them, kill time at the library, have a long lunch, stop in to chat with former colleagues still willing to be seen in his or her company. Even in the first FSO training course, named A-100, young diplomats are advised that the most ignominious end to a career is not failing at your job, but being thrown into the purgatory of hall walking - still on the payroll but no longer a member of the tribe. Disowned, shunned, exiled in the ancient Greek tradition.

Hall walking is a far cry from being dragged through a trial or spending two years in solitary, but it exists on the same continuum. No one at State will say how many employees still exist in the shadow world of hall walking, but at least dozens is a reasonable guess.

I am told as well that State Department officials are increasingly moving to suspend security clearances for acts wholly outside the realm of security, such as blogging they find offensive. One State Department Human Resources employee confided to me that this has, in fact, become the go-to strategy for winnowing out unwanted employees in the too-hard-to-fire category, a sad evolution, given the sorry history of the State Department in the McCarthy era.

Fighting back

For a government employee being punished extra-legally by an agency ignoring its own rules, there is still one recourse: the Office of the Special Counsel. Created in 1979, it was to be an ombudsman meant to keep an eye on governmental nastiness and ensure the implementation of the Whistleblower Protection Act. Empowered, among other things, to investigate and "make right" instances of federal retaliation against legitimate whistleblowers, the office was sidelined through several administrations.

Under George W Bush, it was embroiled in scandal when its head, Special Counsel Scott Bloch, purged its staff of lawyers who disagreed with him and announced that he would not follow up on cases of discrimination based on sexual orientation. Last summer, Bloch pleaded guilty to deleting evidence from his computer while under investigation for retaliating against his own staff.

At a moment when government extra-legal retaliation against whistleblowers and leakers is on the rise, call it ironic, but the Office of the Special Counsel has seen a rebirth under its current head, Obama appointee Carolyn Lerner. As the *Washington Post* recently [described her](#), Lerner has "gone to the mat and tried to expand the boundaries of the law's protections for whistleblowers. She has lifted long-sagging morale at an agency that, instead of behaving as an independent watchdog, has treaded water for much of its existence".

Specifically, Lerner reassigned staff members to review a backlog of cases against whistleblowers facing reprisals, including "veterans' hospital staff members reporting poor lab procedures [and] air traffic controllers claiming flight-pattern dangers". She has enforced a 60-day limit on responses from federal agencies. The office seems to have re-embraced its mission. "She's a pit bull," says Tom Devine, legal director of the [Government Accountability Project](#), which defends whistleblowers.

There are other signs of resistance in Washington to the urge to cloak the government in silence. For example, Senator Charles Grassley (R-IA) launched an investigation into the Food and Drug Administration's secret email monitoring of scientists warning that unsafe medical devices were being approved over their objections. Whistleblowers, said Grassley, often are treated ["like skunks at a picnic"](#).

The Senator demanded that FDA Commissioner Margaret Hamburg disclose who authorised the monitoring, how many employees were targeted, and whether the agency obtained passwords to personal email accounts, allowing communications on private computers to be intercepted. He also wants to know whether the agency's two-year surveillance campaign is still ongoing.

In another recent case, the Office of the Special Counsel formally [asked](#) the Air Force to [take](#) harsher disciplinary action against supervisors at the Dover mortuary who had tried to fire two whistleblowers who raised accusations about the mishandling of soldiers' remains.

The Government Accountability Project has filed a complaint on my behalf with the Office of the Special Counsel demanding that the State Department cease its retaliatory personnel practices against me. The department is particularly vulnerable, given its [drumbeat](#) of support for the [rights](#) of bloggers and other dissidents in the Middle East and China. State has already been forced to re-admit me to the building and return my access badge. I remain an optimist, believing that my complaint will succeed and that, someday, I will return to work at a State Department where employees can talk openly about the bad as well as the good.

It matters

US voters, who elect and pay for their government in Washington, deserve to know exactly what it does there - and elsewhere around the world - with their dollars. As in my case in Iraq, such information often is only available if some insider, shocked or disturbed by what he or she has seen, decides to speak out, either directly, in front of Congress, or through a journalist.

The Obama administration, which arrived in Washington promoting ["sunshine"](#) in government, turned out to be committed to silence and the censoring of less-than-positive news about its workings. While it has pursued no prosecutions against [CIA torturers](#), senior leaders responsible for [Abu Ghraib](#) or other [war crimes](#), or anyone connected with the [illegal surveillance](#) of US citizens, it has gone after whistleblowers and leakers with ever increasing fierceness, both in court and inside the halls of various government agencies.

There is a barely visible, but still significant, war raging between a government obsessed with secrecy and whistleblowers seeking to expose waste, fraud and wrongdoing. Right now, it is a largely one-sided struggle and the jobs of those of us who are experiencing retaliation are the least of what's at stake.

Think of those victims of retaliatory personnel practices and imprisoned whistleblowers as the canaries in the deep mineshaft of federal Washington, clear evidence of a government that serves its people poorly and has no interest in being held accountable for that fact. This administration fears the noise of democracy, preferring the silence of compliance.

Peter Van Buren, a 23-year veteran Foreign Service Officer at the State Department, spent a year in Iraq as Team Leader for two State Department Provincial Reconstruction Teams. Now in Washington and a [TomDispatch](#) regular, he writes about Iraq and the Middle East at his blog, [We Meant Well](#). His book, [We Meant Well: How I Helped Lose the Battle for the Hearts and Minds of the Iraqi People](#) (*The American Empire Project*, Metropolitan Books), has recently been published.

A version of this article was first published on [TomDispatch](#).

The views expressed in this article are the author's own and do not necessarily reflect Al Jazeera's editorial policy.

From: (b)(6);(b)(7)(C)
To: Everybody
Subject: News Clips 10.26.11
Date: Wednesday, October 26, 2011 11:04:32 AM

OSC News Clips

October 26, 2011

Hatch Act News

US Congressman, Steuben County Sheriff backing changes to Hatch Act – Evening Tribune

October 25, 2011

Changes could be coming to a federal act that wreaked havoc in the 2008 Steuben County Sheriff's race and forced the undersheriff and the chief deputy to resign during the election. U.S. Congressman Tom Reed is co-sponsoring the State and Local Law Enforcement Hatch Act of 2011, which would modify the long-standing Hatch Act. The antiquated bill forced current Steuben County Sheriff Joel Ordway to resign as chief deputy in October 2008, while fellow candidate and former undersheriff Dave Cole resigned for similar reasons only days before Ordway. [\[Read more\]](#)

Whistleblower News

Special Counsel should be mindful not to dole out unjustified disciplinary action to federal managers under guise of accountability – Fed Manager

October 25, 2011

The Washington Post recently reported that it is a "new day" at the Office of Special Counsel (OSC) and that the new Special Counsel, Carolyn Lerner, is bringing the agency back from its dormant state under the former embattled Special Counsel, Scott Bloch-and restoring its reputation. OSC is an independent federal investigative/prosecutorial agency. Its core responsibility is to protect the well-established merit system principles created by the Civil Service Reform Act of 1978. [\[Read more\]](#)

Founder says Wikileaks, starved of cash, may close – NY Times

October 24, 2011

Julian Assange, the founder of WikiLeaks, said on Monday that his Web site could be forced to shut down by the end of the year because a 10-month-old “financial blockade” had sharply reduced the donations on which it depends. [\[Read more\]](#)

(b)(6);(b)(7)(C)

Confidential Assistant to the Special Counsel

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1730 M Street NW, Suite 300

Washington, DC 20036

Phone: 202-254-3611

From: Google Alerts
To: [Williamson, Leslie](#)
Subject: Google Alert - whistleblower
Date: Monday, October 10, 2011 7:19:21 AM

News

6 new results for **whistleblower**

Better protecting 'whistleblowers' in public sector

HealthCanal.com

A final report on the management of '**whistleblowers**' in the public sector highlights the need to better support and protect people who come forward with reports of wrongdoing in their workplace, and suggests how to overcome the problems. ...

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Attorney wants sheriff's department records following internal investigation ...

AnnArbor.com

A plaintiff in a federal **whistleblower** lawsuit against the Washtenaw County Sheriff's Department has filed a motion questioning the department's handling of an investigation into a theft of \$20 from a court employee's car in Ypsilanti Township. ...

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A shot in the dark

Hindustan Times

Who is a **whistleblower**? As most people understand it, a **whistleblower** is an individual who reveals hitherto unknown wrongdoing, and provides or points to independent, third-party evidence to back his claim. How does Sanjiv Bhatt, the police officer ...

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I've bonded with Bond, finally: Rachel Weisz

Mid-Day

The **Whistle Blower** is basically a political thriller. I essay the role of this ordinary woman, Kathy Bolkovac, who has done extraordinary things. I play this Nebraskan police officer who takes a job working for the United Nations as a peacekeeper in ...

[See all stories on this topic »](#)



Mid-Day

SEC whistleblower rules now in effect

Lexology (registration)

The Securities and Exchange Commission's new **whistleblower** rules became effective on Aug. 12, 2011. With the new rules, the SEC launched a new webpage for people to report violations of the federal securities laws and apply for a financial reward ([www. ...](#))

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US tracked email of Wikileaks volunteer: report

AFP

WASHINGTON — US authorities have obtained a secret court order to force search giant Google and a small Internet provider to hand over information from email accounts of a volunteer for **whistleblower** website WikiLeaks, a report said. ...

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AFP

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From: (b)(6);(b)(7)(C)
To: Everybody
Subject: News Clips 8.31.11
Date: Wednesday, August 31, 2011 10:00:43 AM

OSC News Clips

August 31, 2011

Whistleblower News

POGO urges more sunshine with regard to contractor misconduct reporting rule – POGO

August 30, 2011

Last week, POGO submitted a public comment to the General Services Administration (GSA) in response to a proposed extension of a Federal Acquisition Regulation (FAR) provision requiring contractors to disclose certain contract-related misconduct. Since December 2008, the FAR has required contractors to timely disclose to the government credible evidence of criminal violations related to a federal contract or subcontract, violations of the civil False Claims Act, or significant contract overpayments or else be subject to suspension or debarment. [\[Read more\]](#)

Wikileaks leaves names of diplomatic sources in cables – NY Times

August 30, 2011

In a shift of tactics that has alarmed American officials, the antisecrecy organization [WikiLeaks](#) has published on the Web nearly 134,000 leaked diplomatic cables in recent days, more than six times the total disclosed publicly since the posting of the leaked State Department documents began last November. [\[Read more\]](#)

USERRA News

Veterans employment opportunity act plays key role in Feds' vet hiring uptick – Fed Smith

August 30, 2011

With a new report showing that more than 72,000 veterans were added to the federal executive branch's payroll in the 2010 fiscal year, federal managers are patting themselves on

the back for ramping up hiring of such workers as President Barack Obama directed them to do in 2009. It is promising to see in this report that executive branch agencies hired 2,000 more veterans in the 2010 fiscal year than the previous fiscal year, but it is far too early to be breaking out the champagne. [\[Read more\]](#)

(b)(6);(b)(7)(C)

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From: (b)(6);(b)(7)(C)
To: Everybody
Subject: News Clips 8.16.11
Date: Tuesday, August 16, 2011 10:37:33 AM

OSC News Clips

August 16, 2011

Hatch Act News

Letter to the Editor – Hot Springs Star

August 16, 2011

The Federal Government took more than a year to decide that then-Deputy/ Sheriff-candidate Rich Mraz did not violate the Hatch Act during the 2010 election. States Attorney Jim Sword says it is now clear that the case "was not a 'slam dunk.'" [\[Read more\]](#)

Whistleblower News

Dicks office aims for meeting with Border Patrol over 'concerns' from public – Peninsula Daily News

August 14, 2011

Staff members from the North Olympic Peninsula's congressional delegation plan to meet this month with the U.S. Border Patrol's top supervisor for the Blaine sector to discuss a sore point among some Peninsula residents: stepped-up Border Patrol activities in Clallam and Jefferson counties. [\[Read more\]](#)

GAO greenlights CFTC whistleblower incentive fund – IEC Journal

August 14, 2011

GAO has ruled in favor of a Commodity Futures Trading Commission plan to use its Customer Protection Fund to pay incentives to whistleblowers: [B-321788](#), U.S. Commodity Futures Trading Commission--Availability of the Customer Protection Fund, August 8, 2011. [\[Read more\]](#)

Executive order responding to WikiLeaks due shortly – Federation of American Scientists

August 12, 2011

The Obama Administration is putting the finishing touches on a new executive order that is intended to improve the security of classified information in government computer networks as part of the government's response to WikiLeaks. [\[Read more\]](#)

(b)(6);(b)(7)(C)

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From: Zuckerman, Jason
To: [Miles, Adam](#)
Subject: FW: A different perspective on FAM MacLean
Date: Thursday, August 11, 2011 2:50:54 PM

Just FYI

From: Fong, Bruce
Sent: Thursday, August 11, 2011 10:51 AM
To: Zuckerman, Jason
Subject: Re: A different perspective on FAM MacLean

What is yor ph no. I'll call u
Sent from BlackBerry

From: Zuckerman, Jason
To: Fong, Bruce
Sent: Thu Aug 11 10:45:21 2011
Subject: Re: A different perspective on FAM MacLean

(b)(5)

From: Fong, Bruce
To: Zuckerman, Jason
Sent: Thu Aug 11 09:55:24 2011
Subject: Fw: A different perspective on FAM MacLean

Sent from BlackBerry

From: McClain, Robert
To: Oakland Field Office; Venier, Rachel
Sent: Thu Aug 11 09:45:31 2011
Subject: A different perspective on FAM MacLean

<http://www.examiner.com/homeland-security-in-los-angeles/the-great-pretender>

The Great Pretender

• By [Julia Davis](#), LA Homeland Security Examiner

For the longest time, Robert MacLean was hailed as a [national hero](#). He was paraded around by the Government Accountability Project (GAP) and the Project on Government Oversight (POGO) as one of the most important whistleblowers of our generation. The mainstream media published a multitude of articles about MacLean and the horrors he faced for blowing the whistle. GAP and POGO called MacLean [a prime example of the federal whistleblower experience](#). Lawmakers rallied to join the

outpouring of support, praising his heroic actions. MacLean declared that as the result of his firing by the Department of Homeland Security, he was destitute, in desperate need of a job and on the verge of bankruptcy. His case sounded like the prototype of a heartbreaking whistleblower story. Trouble is, much of it simply wasn't true.

Since 2003, Robert MacLean has been quietly leaking internal agency information to news organizations, including CNN and MSNBC. The DHS looked for the leaker, but initially wasn't able to identify the source. In 2004, MSNBC's Brock Meeks asked MacLean whether he knew any Air Marshals willing to go on-air, unidentified and appearing in silhouette. MacLean volunteered himself. Once the episode aired, someone within the DHS recognized MacLean's voice. Based on a September 2004 report of an unauthorized media appearance, the agency initiated an investigation. This inquiry exposed MacLean as the leaker whose identity the agency sought to unearth years earlier.

On May 4, 2005 MacLean admitted under oath: "*For the July 29, 2003 article, I informed [the reporter] that all Las Vegas FAMs were sent a text message to their Government issued mobile phones that all RON (Remain Overnight) missions up to August 9 would be canceled.*" The agency argued that the information MacLean leaked to the media gravely endangered the nation, by publicly identifying the flights that would not be protected. During his MSPB hearing, Maclean testified, "*If I told somebody that a particular flight was not going to have any protection on it, that endangered that specific flight*". That is the very essence of what the TSA considers to be Sensitive Security Information (SSI).

One of the conditions of employment as an Air Marshal states that "*The release of sensitive or classified information may be basis for removal from the position.*" When asked whether "*the fact that there is no Federal Air Marshal on that flight considered confidential information,*" Maclean replied, "*Absolutely.*" Still, MacLean wanted it publicized. He testified that based on "*moral obligations*", he didn't see a problem with releasing even "*classified*" or "*top secret information*".

Under 49 C.F.R. § 1520.5(b)(8)(ii), information concerning deployments, numbers and operations of FAMs is considered SSI and its disclosure is strictly prohibited. As the 9th Circuit Court of Appeals ruled in MacLean's case, "*Information falling within this designation is **automatically considered "sensitive security information"** without further action from the TSA.*" Whether or not such information is marked SSI at the time of its transmission is therefore irrelevant.

Another cornerstone of MacLean's case was his claim that if the government believed the information in question to be SSI, they would not have sent it to Air Marshals via their cell phones, transmitting it to their government-issued PDA's instead. This claim also doesn't hold water. MSNBC's Brock Meeks authored an article, "*Air Marshal PDAs Are Field Flop, Voice Use In-Flight Banned Over Interference Concerns*", in which he reported: "*The devices are so rarely used for communication that text messages sent out by field office supervisors go to the air marshals' cellular phones instead of to their PDAs.*"

For making an unauthorized disclosure of SSI to a reporter, MacLean was fired. The TSA served MacLean with a notice of his removal from service on April 10, 2006, stating in part, "*The information you improperly disclosed concerned RON deployments and such information is protected as SSI pursuant to 49 C.F. R. § 1520.5(b)(8)(ii) which safeguards "Information concerning the deployments, numbers and operations of ... Federal Air Marshals."* The disclosure of this SSI had the potential to reveal vulnerabilities in the aviation security system, and as such, was extremely dangerous to the public we serve."

Reportedly referred "*by an associate in the government oversight field*", MacLean hired attorney Wayne Grant to represent him – but it wasn't to get his job back. MacLean was going after MSNBC. Even though he wasn't fired for his TV appearance, he blamed the network for losing his job. They caved in and settled for a seven-digit figure. MacLean was ecstatic. He voluntarily dropped the appeal of his removal by the TSA, which was at the time pending with the Merit Systems Protection Board (MSPB). MacLean's appeal was officially dismissed on October 5, 2006. He moved his family into a \$1.5 million dollar house overlooking the Pacific Ocean, zipped around town in his brand new Porsche Carrera (worth over \$120,000.00 dollars), bought a pressure-washing business franchise and threw lavish parties in Las Vegas.

But he soon changed his mind. MacLean wanted more. He referred to himself as someone capable of pulling off *"the greatest scam in federal government employment history"*. In 2008, he filed another appeal, claiming that his removal from service violated the Whistleblower Protection Act, 5 U.S.C. § 2302, by punishing him for making a protected disclosure. If that truly happened, MacLean's case could have easily ended up in the 2% of prevailing cases. It sounded great in theory, but wasn't corroborated by the evidence. In fact, MacLean claimed that he tried to blow the whistle, but was *"rebuffed"* from doing so. On September 16, 2008, the U.S. Court of Appeals for the Ninth Circuit mentioned in its ruling that MacLean *"attempted unsuccessfully to alert the Office of Inspector General"*. There is no such thing as trying to blow the whistle. You either do it, or you don't.

Filing reports with the Office of Inspector General (OIG) or Congress creates an undeniable paper trail. Files get created, case numbers assigned and regardless of the outcome, complainant can prove that they've at least attempted to let the government correct the problem. Pursuing those venues before going to the media is what separates whistleblowers from the leakers. MacLean complained that *"the DHS OIG and my Congressmen all ignored my complaints,"* although this wasn't true. In his sworn deposition, MacLean admitted that he didn't report the cancellation of RON missions to Congress, nor did he file an official report regarding the same with the OIG/OPR/OIA prior to his 2003 leak to the media.

When the story broke, the TSA was in a tizzy. MacLean was "pleased, but nervous". Still, he wasn't nervous enough to stop leaking to the media. MacLean wasn't the only Air Marshal who reported this issue to Brock Meeks of MSNBC, but unlike those who managed to retain their positions within federal law enforcement after mishandling SSI, he didn't regret it. MacLean brazenly asserted, *"I have NO REGRETS or feel NO REMORSE"*. He testified that *"it did not matter to him if the information was confidential, law enforcement sensitive, SSI or classified"* and testified he *"would not hesitate to report it again."* In his deposition, MacLean asserted that he didn't expect any of this information to be held back and wanted Meeks *"to publicize it"*.

Through the years, images of MacLean continued to show up in countless articles about his case. He looked angry and sounded bitter. In personal interactions, his demeanor was also less than endearing, belittling and brow-beating other whistleblowers for not receiving as much press coverage or political support as he managed to finagle. MacLean boasted, *"watch ALL the TSA bosses squirm and act dumb when they hear my name despite my case all over NBC News, MSNBC, Fox News, CNN, the Washington Times, the Association Press, the Los Angeles Times, and the Las Vegas Review-Journal... I am getting the same accolades from FAMs in the field. So who is hating me? Some of the flying public doesn't like the scary things I have to say and prefers the TSA dispatch more warm bodies to vegetate in an airline seat."* MacLean continued to cultivate media attention. He shopped around rights to a feature film about his story and even contemplated running for Congress.

On his resume, MacLean listed a "TOP SECRET" security clearance that he claimed was *"still active"* years after he was fired by the Department of Homeland Security. Security clearances are typically extinguished when a person permanently leaves a position for which the clearance was granted. MacLean also credits himself with being *"responsible for starting up the first Federal Air Marshal Service (FAMS) field office in Nevada"* and possessing a California Concealed Weapon (CCW) license.

In an apparent attempt to gain public support and sympathy, MacLean claimed that being fired caused his financial ruin, while omitting any mention of his hefty settlement with MSNBC. He claimed to be out of money and in desperate need of a job, publicizing his telephone number all over the Internet. MacLean wrote, *"I think every congressional staffer, reporter, blogger, neo-con, hippie, Inspector General agent, internal affairs agent, and collection agency has that number right now."* My life is an "open book" at this point of my life.

MacLean wrote, *"For the last four years I have lost EVERYTHING... I've blown my life savings, can't get employment, and I've had to move my wife and kids into my parents house -- not a pretty situation... I am meeting someone today from here about making some green to put my life back together again."* Sadly, those who've reached out to help didn't realize that they shouldn't be feeling sorry for MacLean, who is

living in a \$1.5 million-dollar home and receiving monthly trust fund payments from his mother's multimillion dollar estate since 1993. There's nothing wrong with being financially comfortable. However, pretending to be destitute in order to elicit help from those who may be less fortunate than you is simply inexcusable.

In all of the proceedings to date, MacLean's appeals have been denied, to include an adverse credibility finding against him due to conflicting statements he made under oath. Judge Franklin M. Kang ruled, *"I found the appellant to be evasive, nuanced, and inconsistent... to the extent the appellant now denies that he conveyed the information specified above involving RON missions out of Las Vegas, I find that the appellant's testimony to this effect is not creditable... the appellant informed the reporter that all Las Vegas FAMs were sent a text message on their government issued mobile phones that all RON missions up to August 9th would be cancelled, or words to that effect... the Ninth Circuit has ruled that the information contained in the text message qualifies as SSI because it contained specific details of aviation security measures regarding deployment and missions of FAMs... the reporter was not authorized to receive this information..."*

This decision was confirmed by the full MSPB on July 25, 2011. They ruled that MacLean's *"disclosure of SSI to the media cannot constitute protected whistleblowing because the appellant violated agency regulations when he made the disclosure."* The Board further ruled that the TSA didn't retroactively classify the message as SSI, but merely *"applied regulations that were in force in 2003"* to determine that the content of the message automatically qualified it as such. MSPB noted, *"The administrative judge further found that the offense was intentional, i.e., the appellant intentionally made a statement including the SSI to a reporter and he was on clear notice that the information should not be publicly revealed... He noted the appellant's sworn statement that he had no regrets and felt no remorse for going to the media, and his sworn deposition testimony that it did not matter to him whether or not the information conveyed to the reporter was SSI."*

MacLean supporters were astonished that he lost his case. Many, including the author of this article, were rooting for MacLean at some point in time, based on the way his story was represented. Some expected that Obama's Board appointees would overturn the original ruling. However, no one can gauge whether the new MSPB will continue its legacy of anti-whistleblower rulings, unless they are being judged based on their decisions in legitimate whistleblower cases.

Abraham Lincoln wisely said, *"Stand with anybody that stands right, stand with him while he is right and part with him when he goes wrong."* MacLean could have been a hero, if only he didn't start rewriting the facts in an attempt to meet legal requirements. He said, *"GAP has always represented me as the poster boy for what is wrong with the laws right now."* Since our elected officials reportedly blamed Wikileaks for their unwillingness to improve whistleblower protections, positioning **a leaker** as a case best suited to represent the plight of an entire class of whistleblowers was highly irresponsible.

When the latest decision against him was published on July 25, 2011, MacLean displayed the image of an American flag upside down on his Twitter account and declared that he would soon be deleting his Facebook account named *"TSA Whistleblower"*. This was a rather abrupt decision to stop acting like a patriot and a whistleblower, based on losing his legal battle. POGO's Danni Downing wrote that MacLean's display of an upside-down American flag was *"justified"* in his case.

GAP and POGO knew or should have known that by taking the media and general public on a wild goose chase with MacLean's case, they were taking away from valuable causes and whistleblowers in desperate need of representation. There is no telling just how many cases were rejected, overlooked or forsaken because of time and energy devoted to pursuing an unwinnable MacLean matter. According to POGO's Danielle Brian, Robert MacLean is entrusted with investigating and vetting whistleblower cases for potential representation by GAP and POGO, as well as referrals for media coverage and congressional testimony.

The whistleblowing community is a critical mass made up of dedicated patriots, explosive personalities, bitter disappointments, profound losses and rare, precious victories. It's a serious mistake to allow a

single case to serve as the poster child of the entire movement. Legal precedents are set and redefined in court battles fought by few on behalf of many. For those in a position to make the difference, doing the right thing simply means picking battles that require nothing but the truth.

Continue reading on Examiner.com [The Great Pretender - Los Angeles Homeland Security | Examiner.com](http://www.examiner.com/homeland-security-in-los-angeles/the-great-pretender#ixzz1UjBCxoyF) <http://www.examiner.com/homeland-security-in-los-angeles/the-great-pretender#ixzz1UjBCxoyF>

From: (b)(6);(b)(7)(
To: Everybody
Subject: News Clips 8.10.11
Date: Wednesday, August 10, 2011 9:50:37 AM

OSC News Clips

August 10, 2011

Hatch Act News

Feds rule in favor of Sandra Doorley's candidacy for D.A. – Democrat and Chronicle

August 9, 2011

Federal officials have ruled that Democrat Sandra Doorley's candidacy for district attorney does not violate the federal Hatch Act. The Hatch Act restricts government employees from seeking office if their duties include oversight or participation in programs reliant in part on federal funds. [\[Read more\]](#)

Whistleblower News

Government accountability advocates convene to honor Tom Drake – POGO

August 9, 2011

Last Thursday night, there was a celebration in the world of government accountability. In the courtyard of the Mott House, good government folks from Washington and the surrounding area gathered to celebrate the outcome of the Thomas Drake case. [\[Read more\]](#)

Openleaks announces a test launch, invites 3000 hackers to attack it – Forbes

August 10, 2011

WikiLeaks spinoff OpenLeaks may be long delayed from its initial plans for launch early this year. But the whistleblower project is far from dead. In fact, the volunteers behind the site would like, very literally, to see you try and kill it. [\[Read more\]](#)

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From: Angela Canterbury
To: [Daniel Schuman](#)
Cc: [Tom Devine](#); [Miles, Adam](#); [Christian Sanchez](#); [Lerner, Carolyn](#); [Micah Sifry](#); [Paul Richmond](#)
Subject: Re: Thank you
Date: Friday, July 29, 2011 6:13:29 PM

Thank YOU! Here's a clip that just came in:

http://www.nextgov.com/nextgov/ng_20110729_8055.php?oref=topstory

Crowd sourcing can supplement whistleblowing, experts say

By [Joseph Marks](#) 07/29/2011

As public portals for information sharing improve, fraud and waste scandals that were traditionally broken by whistleblowers inside government will increasingly be sussed out of aggregated data from frustrated citizens on the receiving end of federal work, a [transparency](#) advocate predicted Friday.

The website [Seeclickfix.com](#), for instance, which has been adopted by about 500 cities, allows local governments to aggregate citizen complaints about, say, unfixed potholes to spot a problem in the streets department without an insider ever stepping up, said Micah Sifry, an open government blogger and author of *WikiLeaks and the Age of Transparency*, which was published in March by Counterpoint.

Sifry pointed to the aggregated oversight power of the U.S. public at large if they devoted just a few minutes a week to online reporting of state, local and federal government failings.

"Even if you just shift by 1 percent people's TV watching time into being online and interacting . . . [in the aggregate] that's the equivalent of 200 Wikipedias," he said after the panel. "If some percent of that is going into people reporting problems -- with potholes being the gateway drug so to speak -- that's going to change what government does because they're going to see all of these complaints piling up."

Sifry was speaking at an event on whistleblowing in the federal government sponsored by the Sunlight Foundation, a transparency advocacy group.

The government generally has been slow to adopt Web-enabled crowd sourcing models for oversight, he said, either out of clumsiness or from a fear of pointing out its own failings.

The website [Recovery.gov](#), which tracks spending from the Obama administration's \$787 billion stimulus bill, has been praised for helping ensure a historically low rate of waste and fraud, [generally placed at](#) less than 1 percent. Sifry criticized the site, though, for inviting public participation only through toll-free numbers and online forms.

"We had [MyBarackObama.com](#); we could have had [Myrecovery.gov](#)," Sifry said. "If you wanted to post a private message to an [inspector general] you could have. Or if you wanted to make your complaint public you could have done that, too, and then you could build this

community of civic watchdogs that have a relationship with this agency -- a whole citizens' auxiliary."

Panel members at the Sunlight Foundation event generally criticized the government for not leveraging internal whistleblowers as a method to save taxpayer money by heightening oversight.

Whistleblowing by private sector government contractors through the False Claims Act saved the government about \$3 billion last year, according to Angela Canterbury, director of public policy at the Project on Government Oversight, another transparency advocacy group.

Panelists also criticized a proposed cut of roughly \$600,000 in funding for the Office of Special Counsel, which oversees most whistleblower complaints by federal employees, in the House version of the fiscal 2012 budget.

"It's a speck of dust in the federal budget," said Carolyn Lerner, the recently confirmed director of OSC and a panelist at the discussion. "In terms of really being a robust, effective agency, we need resources to do that."

The White House's proposed budget would have raised OSC's appropriation to \$19.5 million from its fiscal 2011 appropriation of \$18.5 million, Lerner said.

On a global level, Sifry touted the work of OpenLeaks.org, a relatively new project by former WikiLeaks programmers, which, he said, aims to manage leaks more democratically by linking anonymous or semianonymous leakers inside organizations with citizen analysts and number crunchers and with a variety of news organizations that could publish the information.

"WikiLeaks has a lot of power and it's all centralized in the hands of one individual who is, let's say, a bit controversial and has his own agenda about what information should be used for," Sifry said, referring to WikiLeaks founder Julian Assange, who's been accused of failing to vet State Department leaks to protect the lives of informants and who's been dogged by a series of sexual assault cases. "[OpenLeaks'] goal is to make it easy for lots of organizations to receive information, verify its validity and make it available to responsible media."

Stay up-to-date with federal technology news alerts and analysis - [sign up for Nextgov's email newsletters](#).

On Fri, Jul 29, 2011 at 5:07 PM, Daniel Schuman <dschuman@sunlightfoundation.com> wrote:

I want to thank all of you for helping make today's discussion on whistleblowing a success. We were successful in reaching our core audience -- 20 staffers from the House and Senate were in attendance -- and the C-Span video and subsequent reporting will reach many more. Of course, we'll put an archived version of the event up at transparencycaucus.org.

It has my pleasure to work with you. Thank you so much.

With gratitude,

Daniel

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From: Cohen, Mark
To: [Lerner, Carolyn](#)
Subject: couple items for today's event from openthegovernment.org
Date: Friday, July 29, 2011 9:21:14 AM

Agencies Respond to Recent Sunshine Week Audit

As you can imagine, not everyone was pleased to learn the results of a recent audit we conducted to see if agencies were complying with directions, sent out by the Administration during Sunshine Week, to proactively disclose a few pieces of useful generally information. Specifically, **the Administration announced that agencies would make available -- from their /open pages-- links to agency directories, official congressional testimony and agency reports to Congress. Out of the 29 agencies that produced substantive open government plans last year, we found links to all the specified information on only six /open pages.** [OSC not among the 29. Whew!]

Some agencies took issue with not being given credit for making the information available somewhere on their website other than the /open page. We appreciate that they are following through on the Administration's directive at least in spirit, and are even more appreciative that they are reading/ taking the time to respond to public comments about their performance. We are not being sticklers about the /open requirement just to be mean; the requirement from the Administration is intended to make the information easier for the public to find it. Information is not truly publicly available if the public cannot find information at all on an agency's website, or if it is particularly hard to find.

In a similar vein, comments from agency personnel at a recent Freedom of Information Act ([FOIA](#)) [Roundtable](#) suggest that it is not uncommon for agencies to process FOIA requests for information that is already somewhere on the agency's website. Perhaps some of these requests come from people who do not have internet access, but is safe to assume that some of them come from people who did look for the information online, and just could not find it. This is not a good use of agency resources - especially in the face of looming budget cuts.

We are encouraged by the Administration's focus on increasing proactive disclosure. As we have [commented in the past](#), making information that the public finds useful freely available and usable is a way to improve our FOIA system. We look forward to continuing to work with agencies on this issue.

Overclassification: Still Making Us Less Secure and More Secretive

All too often government openness and national security are thought of as counterbalancing national interests. Despite this "conventional wisdom," there are plenty of instances where less secrecy actually makes us more secure. The classic example of this countervailing wisdom at work is overclassification. By lumping useless information in with information that really needs to be protected, we degrade the integrity of the system - leading to more leaks and other costly outcomes. Oh, and- speaking of costly- we waste precious resources protecting that useless information.

Rampant overclassification is a problem that has been identified by numerous Congressional committees, Commissions, advisory groups, and even by President Obama. Anyone who doubts our government overclassifies need only look at some of the

disclosures made by WikiLeaks. Our friends at the Center for Public Integrity's [iWatch News](#) have some great examples of the silly information our government treats as secret [here](#).

As OpenTheGovernment.org's Director, Patrice McDermott, recently argued in an [editorial](#)* published in *Government Information Quarterly* with our colleagues from the [Project On Government Oversight - POGO](#), "Although it is too early to tell if the disclosures will benefit or harm the public interest, there is without question real harm associated with pervasive and excessive government secrecy." The article goes on to explain how the government's reactions to the WikiLeaks disclosures to date could serve to only make the situation worse.

Of course, we also have a couple suggestions for how the government could begin to reduce the size of the classified universe and restore the integrity of our national security classification system:

- 1. The Administration must make sure agencies faithfully and fully implement President Obama's January 2009 Executive Order (EO) on Classified National Security Information, EO 13526 (section 1.9). The EO includes a mechanism to help curb overclassification of national security information through the Fundamental Classification Guidance Review process. Unfortunately, the process has produced no known results to date.**

- 2. Congress should work to create a whistleblower system that would prevent leaks. Government employees with knowledge of wrongdoing involving classified information should have safe, legal channels by which to disclose such issues.**

The two suggestions outlined here are not by any means the only promising avenues for finally reining in overclassification. The Public Interest Declassification Board's (PIDB) has been at work on options for transforming the classification process. Several of our partners and others have submitted classification reform proposals to the PIDB. These proposals and those offered by PIDB members should be given close consideration. Congress and the Administration need to get serious about finally getting a handle on the problem. Crafting policies and procedures to ensure that only information that legitimately needs protection is labeled as classified would create a more credible, agile and flexible classification system.

*Reprinted with permission from Elsevier from *Government Information Quarterly*, Volume 28, Issue 2, April 2011, Pages 135-136, Danielle Brian, Patrice McDermott, and Jake Weins, WikiLeaks is a wake-up call for openness, Pages 135-136, Copyright (2011).

From: Shanna Devine
To: [undisclosed-recipients](#)
Subject: Hill Panel details: Making Whistleblowing Work
Date: Thursday, July 28, 2011 7:25:48 PM

Dear MISC Members, thank you for a great meeting today. More follow-up to come, however, as promised, please see details below for tomorrow's Whistleblower Panel on the Hill. We just learned that CSpan will be covering the event as well.

Making Whistleblowing Work -- Invitation to a panel discussion

Daniel Schuman

July 19, 2011, 2:43 p.m.

(cross-posted from the Advisory Committee on Transparency blog)

We're pleased to announce our next event, on whistleblowing, is set for Friday, July 29 at 10:30 am in Rayburn 2247. Please note that we're at a different time, on a different day of the week, and in a different room.

Federal whistleblowers report lawbreaking and taxpayer rip-offs—often at great personal and professional risk. Does the law protect them sufficiently from retaliation? How does blowing the whistle on waste, fraud, and abuse in the government work? What is the balance between disclosure and the government's legitimate need for confidentiality? What distinctions should we draw between reporting wrongdoing to employers, to Congress, to reporters, and online? Is WikiLeaks fundamentally different from what's come before?

Join the newly confirmed head of the federal office charged with investigating whistleblower complaints, a whistleblower, the policy director of a good government watchdog, and an expert on the intersection of politics and the Internet for a panel discussion on whistleblowing. We will discuss current incentives and protections for whistleblowers and ongoing legislative reform efforts.

Panelists include:

- **Angela Canterbury**, Director of Public Policy, Project on Government Oversight
- **Carolyn Lerner**, Special Counsel, U.S. Office of Special Counsel
- **Christian Sanchez**, Border Patrol Agent, Customs & Border Protection, Department of Homeland Security
- **Daniel Schuman**, Moderator, Policy Counsel, the Sunlight Foundation
- **Micah Sifry**, Co-founder and editor of the Personal Democracy Forum; author of WikiLeaks and the Age of Transparency; Sunlight Foundation sr. technology advisor

RSVP to <http://snlg.ht/WhistleRSVP>.

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From: Miles, Adam
To: [Zuckerman, Jason](#)
Subject: FW: Making Whistleblowing Work panel discussion; thank you
Date: Friday, July 22, 2011 11:28:28 AM

From: Daniel Schuman [<mailto:dschuman@sunlightfoundation.com>]
Sent: Wednesday, July 20, 2011 8:07 PM
To: Lerner, Carolyn; Micah Sifry; Tom Devine; Angela Canterbury
Cc: John Wonderlich; Miles, Adam
Subject: Making Whistleblowing Work panel discussion; thank you

Hi everyone,

Thank you so much for agreeing to join our panel discussion next week on whistleblowing. I'd like to set up a time for us to chat Tuesday or Wednesday so that we can get to know one another a bit better before Friday and also refine our sense of what we'd like to talk about. I'd also like to share some logistical details.

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- (1) let me know if you're available to have a conference call early next week (see below)
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- (3) prepare a short (5-7 minute) opening remark

Phone Call Before the Event on Tuesday or Wednesday

Please follow this link -- <http://whenisgood.net/whistle> -- and let me know when you're available to chat on the 26th or 27th. Just paint over the times that work for you, add your name at the bottom, and hit submit. Once everyone's done this, I'll set up a conference call.

Panelists

Panelists for the discussion are:

Angela Canterbury, Director of Public Policy, Project on Government Oversight

Carolyn Lerner, Special Counsel, U.S. Office of Special Counsel

Christian Sanchez, Border Patrol Agent, Customs & Border Protection, Department of Homeland Security

Daniel Schuman, Moderator, Policy Counsel, the Sunlight Foundation

Micah Sifry, Co-founder and editor of the Personal Democracy Forum; author of WikiLeaks and the Age of Transparency; Sunlight Foundation sr. technology advisor

Please let me know if you have a preference about how you'd like to be introduced.

Location information

The panel discussion will take place on Friday, July 29th, from 10:30AM to noon. It will be held in the Rayburn House Office Building, room 2247, which is on the second floor. Please plan on arriving at least 15 minutes early, just in case. If you need directions to the Rayburn Building, let me know.

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The panel discussion will be broken into three parts, each lasting about a half an hour. I will make a few opening remarks and then introduce the panel, at which point you'll have the opportunity to make a 5-7 opening statement. This usually takes about a half an hour. After that, I will ask a few questions and encourage a conversation among the panelists. When the time is right, we'll open up the conversation to those in attendance.

Audience

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Conversation

As I'm you've noticed, we have a very strong group of panelists with quite different perspectives. I think we have a lot to talk about, but these are the kinds of questions that I've been thinking about. Let me know if you have ideas about other topics or ways that we can address these issues.

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Obviously, not everyone will feel comfortable about talking about all of these issues, and they may not be framed perfectly. My goal is to make you feel comfortable in sharing information, and I am cognizant that there may be some areas that are harder to discuss. Just let me know in advance.

I expect in particular that Carolyn may wish to focus on the role that her office plays in protecting whistleblowers, and Christian will discuss his experiences as a whistleblower. Micah has a great amount to say about the social and political context of whistleblowing, and Angela may want to address current legislation. But this is up to you.

Please let me know if you have any questions or concerns. We are promoting the event already, and I encourage you to reach out to your networks. We have a blogpost up here: <http://sunlightfoundation.com/blog/2011/07/19/making-whistleblowing-work-invitation-to-a-panel-discussion/>

I'm looking forward to speaking with you soon. Thanks again,

Daniel

Daniel Schuman

Director | Advisory Committee on Transparency

Policy Counsel | The Sunlight Foundation

o: 202-742-1520 x (b)(6) c: (b)(6);(b)(7)(C) @danielschuman



**Sunlight
Foundation**



From: Miles, Adam
To: ["shannad@whistleblower.org"](mailto:shannad@whistleblower.org); Cohen, Mark
Subject: Re: hill panel discussion: "making whistleblowing work"
Date: Thursday, July 21, 2011 1:59:51 PM

I'd like to be added. Thanks Shanna.

From: Shanna Devine
To: Miles, Adam; Cohen, Mark
Sent: Thu Jul 21 12:04:15 2011
Subject: FW: hill panel discussion: "making whistleblowing work"

Hi Mark and Adam, fyi on following event. Also, would you like me to add your emails to MISC list, so that you receive these types of announcements?

From: Shanna Devine [<mailto:shannad@whistleblower.org>]
Sent: Thursday, July 21, 2011 11:33 AM
Subject: hill panel discussion: "making whistleblowing work"

Dear MISC members, the following whistleblower hill panel may be of interest. Please note that panelists include new Special Counsel Carolyn Lerner, steering committee member Angela Canterbury of POGO, DHS fraud whistleblower Christian Sanchez and vocal transparency experts.

Making Whistleblowing Work

by

Daniel Schuman

We're pleased to announce our next event, on Whistleblowing, is set for Friday, July 29 at 10:30 am in Rayburn 2247. Please note that we're at a different time, on a different day of the week, and in a different room.

Federal whistleblowers report lawbreaking and taxpayer rip-offs—often at great personal and professional risk. Does the law protect them sufficiently from retaliation? How does blowing the whistle on waste, fraud, and abuse in the government work? What is the balance between disclosure and the government's legitimate need for confidentiality? What distinctions should we draw between reporting wrongdoing to employers, to Congress, to reporters, and online? Is WikiLeaks fundamentally different from what's come before?

Join the newly confirmed head of the federal office charged with investigating whistleblower complaints, a whistleblower, the policy director of a good government watchdog, and an expert on the intersection of politics and the Internet for a panel discussion on whistleblowing. We will discuss current incentives and protections for whistleblowers and ongoing legislative reform efforts.

Panelists include:

- **Angela Canterbury**, Director of Public Policy, Project on Government Oversight
- **Carolyn Lerner**, Special Counsel, U.S. Office of Special Counsel
- **Christian Sanchez**, Border Patrol Agent, Customs & Border Protection, Department of Homeland Security
- **Daniel Schuman**, Moderator, Policy Counsel, the Sunlight Foundation
- **Micah Sifry**, Co-founder and editor of the Personal Democracy Forum; author of WikiLeaks and the Age of Transparency; Sunlight Foundation sr. technology advisor

RSVP to <http://snlg.ht/WhistleRSVP>.

From: Miles, Adam
To: [Lerner, Carolyn](#)
Subject: Fw: Invitation to participate in a panel discussion on Whistleblowing on 7/29
Date: Wednesday, July 20, 2011 8:26:47 PM

He says he didn't hear back yet on (b)(6);(b)(7)(C) (see below). Will push him to get an answer tomorrow.

From: Daniel Schuman
To: Miles, Adam
Sent: Wed Jul 20 20:14:00 2011
Subject: Re: Invitation to participate in a panel discussion on Whistleblowing on 7/29

Adam,

Thank you for the reminder. I still don't have an answer to that question, but I've asked (b)(6);(b)(7)(C) again. I'll let you know as soon as I do.

Daniel

Daniel Schuman
Director | [Advisory Committee on Transparency](#)
Policy Counsel | [The Sunlight Foundation](#)
o: 202-742-1520 x (b)(6) | c: (b)(6);(b)(7)(C) | @danielschuman



On Wed, Jul 20, 2011 at 7:44 PM, Miles, Adam <(b)(6);(b)(7)(C)@osc.gov> wrote:

Thanks. I'll get back to you asap on times. Were you able to find out if (b)(6);(b)(7)(C) (b)(6);(b)(7)(C)

From: Daniel Schuman
To: Miles, Adam
Sent: Wed Jul 20 19:40:39 2011

Subject: Re: Invitation to participate in a panel discussion on Whistleblowing on 7/29

That's great. I'm available tomorrow from 10-11:50; 3:30-6. Let me know when works best for you.

Here's the list of panelists:

- **Angela Canterbury**, Director of Public Policy, Project on Government Oversight
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Daniel

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Policy Counsel | The Sunlight Foundation

o: 202-742-1520 x (b)(6) c: (b)(6);(b)(7)(C) @danielschuman



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Thanks Daniel. Let's talk tomorrow if that works for you. I think Carolyn would like to join as well. (and I'm happy to do a call next week as well).

Who has confirmed for the event?

From: Daniel Schuman [mailto:dschuman@sunlightfoundation.com]

Sent: Wednesday, July 20, 2011 4:32 PM

To: Miles, Adam

Subject: Re: Invitation to participate in a panel discussion on Whistleblowing on 7/29

Adam,

Sorry about the late response, I've been running around. I'm happy to do a call today or tomorrow. I'm about to send an email trying to set up a time for us all to chat together, likely early next week, so we can talk then to. Let me know when works for you --and apologies for the delay.

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Hi Daniel,

Do you have any time today or tomorrow to do a quick call with me and Carolyn to go over specifics again? Thanks,

Adam

From: Daniel Schuman [mailto:dschuman@sunlightfoundation.com]
Sent: Wednesday, July 06, 2011 6:01 PM

To: Lerner, Carolyn
Cc: Miles, Adam; Cohen, Mark; Angela Canterbury

Subject: Re: Invitation to participate in a panel discussion on Whistleblowing on 7/29

My apologies for the confusion: the date of the event is July 29th, not August 29th. I hope to hear from you soon.

With best wishes,

Daniel

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Policy Counsel | The Sunlight Foundation

o: 202-742-1520 x (b)(6) c: (b)(6);(b)(7)(C) @danielschuman

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On Wed, Jul 6, 2011 at 5:25 PM, Daniel Schuman <dschuman@sunlightfoundation.com> wrote:

Dear Special Counsel Lerner:

Angela Canterbury suggested that I contact you to invite you to participate in a panel discussion on whistleblowing entitled "Making Whistleblowing Work." The event is intended to provide an overview of federal whistleblowing law, with a focus on its strengths and opportunities for improvement. A main theme will be an exploration of the intersection between transparency and whistleblowing, especially as they both can improve government accountability while also preventing waste, fraud, and abuse. With your considerable experience on these issues and new role as Special Counsel, I agree with Angela that you would be perfect fit to help us explore these issues.

Congressional staff are the discussion's primary audience, although it will be open to the public and the press. The Advisory Committee on Transparency will host the conversation, which is scheduled to take place on August 29th at 10:30am in room 2203 of the Rayburn House Office Building. The Committee includes 18 organizations from across the political spectrum that are dedicated to improving federal transparency. The discussion will last 90 minutes, with opening statements at the beginning and an opportunity for Q&A.

If it would be helpful, I am happy to provide more information. I hope that you will be able to participate, and am looking forward to hearing from you soon. With best regards,

Daniel

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From: Miles, Adam
To: "dschuman@sunlightfoundation.com"
Subject: Re: Invitation to participate in a panel discussion on Whistleblowing on 7/29
Date: Wednesday, July 20, 2011 8:21:24 PM

Great, thank you. And thanks for the additional info in the last email. I'll check in w Carolyn in the morning and see if she still wants to do a call or if that covers it.

From: Daniel Schuman
To: Miles, Adam
Sent: Wed Jul 20 20:14:00 2011
Subject: Re: Invitation to participate in a panel discussion on Whistleblowing on 7/29

Adam,

Thank you for the reminder. I still don't have an answer to that question, but I've asked (b)(6);(b)(7)(C) again. I'll let you know as soon as I do.

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From: Miles, Adam
To: [Lerner, Carolyn](#)
Subject: Fw: Making Whistleblowing Work panel discussion; thank you
Date: Wednesday, July 20, 2011 8:12:20 PM

I asked Daniel to set up a time to talk with us individually tomorrow as well, if you'd like to do that.

From: Daniel Schuman
To: Lerner, Carolyn; Micah Sifry ; Tom Devine ; Angela Canterbury
Cc: John Wonderlich ; Miles, Adam
Sent: Wed Jul 20 20:07:13 2011
Subject: Making Whistleblowing Work panel discussion; thank you

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To: "dschuman@sunlightfoundation.com"
Subject: Re: Invitation to participate in a panel discussion on Whistleblowing on 7/29
Date: Wednesday, July 20, 2011 7:44:14 PM

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(b)(6);(b)(7)(C)

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From: The National Law Journal
To: [Gorman, Karen](#)
Subject: Judge Declares Mistrial in Clemens Perjury Case
Date: Thursday, July 14, 2011 5:56:09 PM



from THE NATIONAL
LAW JOURNAL

LegalTimes Afternoon Update

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AFTERNOON UPDATE

Judge Declares Mistrial in Clemens Perjury Case

The federal judge in the Roger Clemens perjury case this morning declared a mistrial over a defense contention that prosecutors presented evidence to jurors the judge had deemed inadmissible.

White House Nominations Chief Headed to Harvard

Susan Davies, the deputy White House counsel in charge of the nominations process for potential federal judges, is leaving the Obama administration to teach at Harvard Law School, according to a news release today from the school.

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Committee Backs Judicial Nominees, Including Two for SDNY

The U.S. Senate Judiciary Committee voted today to move ahead with five of President Barack Obama's judicial nominees, including two for the high-profile U.S. District Court for the Southern District of New York.

Inmate Pleads Not Guilty to Sending Anthrax Hoax Letters to D.C., Other Courts

An inmate in upstate New York pleaded not guilty today to sending anthrax hoax letters to federal courts in Washington, Virginia and New York, according to a release from the U.S. Attorney's Office for the Northern District of New York.

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Former D.C. Mayor Fenty Joins Klores Perry Mitchell

Former Washington, D.C., Mayor Adrian Fenty will join Klores Perry Mitchell as a special counsel, the firm announced Thursday.

Freddie Mac GC Bostrom Moves to SNR Denton

Robert Bostrom, the general counsel for Freddie Mac, is leaving the mortgage company to join SNR Denton, the law firm announced Thursday.

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3. INADMISSIBLE
4. Pitcher's case on deck
5. Judge Daniel Friedman, last original member of Federal Circuit, dies at 95
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7. Human rights lawyer fights prohibitions over use of WikiLeaks documents
8. House committee proposes \$104 million funding cut for LSC
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From: McClain, Robert
To: [Oakland Field Office](#); [Venier, Rachel](#)
Subject: NY Time Opinion Piece
Date: Monday, June 13, 2011 3:07:35 PM

Op-Ed Contributor

The Whistle-Blowers of 1777

By STEPHEN M. KOHN

Published: June 12, 2011

FORTY years ago today, The New York Times began publishing the Pentagon Papers, a seminal moment not only for freedom of the press but also for the role of whistle-blowers — like Daniel Ellsberg, who leaked the papers to expose the mishandling of the war in Vietnam — in defending our democracy.

Today, the Obama administration is aggressively pursuing leakers. Bradley E. Manning, an Army private, has been imprisoned since May 2010 on suspicion of having passed classified data to the antisecrecy group WikiLeaks. Thomas A. Drake, a former official at the National Security Agency, pleaded guilty Friday to a misdemeanor of misusing the agency's computer system by providing information to a newspaper reporter.

The tension between protecting true national security secrets and ensuring the public's "right to know" about abuses of authority is not new. Indeed, the nation's founders faced this very issue.

In the winter of 1777, months after the signing of the Declaration of Independence, the American warship Warren was anchored outside of Providence, R.I. On board, 10 revolutionary sailors and marines met in secret — not to plot against the king's armies, but to discuss their concerns about the commander of the Continental Navy, Commodore Esek Hopkins. They knew the risks: Hopkins came from a powerful family; his brother was a former governor of Rhode Island and a signer of the declaration.

Hopkins had participated in the torture of captured British sailors; he "treated prisoners in the most inhuman and barbarous manner," his subordinates wrote in a petition.

One whistle-blower, a Marine captain named John Grannis, was selected to present the petition to the Continental Congress, which voted on March 26, 1777, to suspend Hopkins from his post.

The case did not end there. Hopkins, infuriated, immediately retaliated. He filed a

criminal libel suit in Rhode Island against the whistle-blowers. Two of them who happened to be in Rhode Island — Samuel Shaw, a midshipman, and Richard Marven, a third lieutenant — were jailed. In a petition read to Congress on July 23, 1778, they pleaded that they had been “arrested for doing what they then believed and still believe was nothing but their duty.”

Later that month, without any recorded dissent, Congress enacted America’s first whistle-blower-protection law: “That it is the duty of all persons in the service of the United States, as well as all other inhabitants thereof, to give the earliest information to Congress or any other proper authority of any misconduct, frauds or misdemeanors committed by any officers or persons in the service of these states, which may come to their knowledge.”

Congress did not stop there. It wanted to ensure that the whistle-blowers would have excellent legal counsel to fight against the libel charges, and despite the financial hardships of the new republic, it authorized payment for the legal fees of Marven and Shaw.

Congress did not hide behind government secrecy edicts, even though the nation was at war. Instead, it authorized the full release of all records related to the removal of Hopkins. No “state secret” privilege was invoked. The whistle-blowers did not need to use a Freedom of Information Act to obtain documents to vindicate themselves. There was no attempt to hide the fact that whistle-blowers had accused a Navy commander of mistreating prisoners.

Armed with Congress’s support, the whistle-blowers put on a strong defense, and won their case in court. And true to its word, Congress on May 22, 1779, provided \$1,418 to cover costs associated with the whistle-blowers’ defense. One “Sam. Adams” was directed to ensure that their Rhode Island lawyer, William Channing, was paid.

Nearly two centuries later, the Supreme Court justice William O. Douglas, praising the founders’ commitment to freedom of speech, wrote: “The dominant purpose of the First Amendment was to prohibit the widespread practice of government suppression of embarrassing information.”

A 1989 law was supposed to protect federal employees who expose fraud and misconduct from retaliation. But over the years, these protections have been completely undermined. One loophole gives the government the absolute right to strip employees of their security clearances and fire them, without judicial review. Another bars employees of the National Security Agency and the Central Intelligence Agency from any coverage under the law. And Congress has barred national security whistle-blowers who are fired for exposing wrongdoing from obtaining protection in federal court.

It is no surprise that honest citizens who witness waste, fraud and abuse in national security programs but lack legal protections are silenced or forced to turn to unauthorized methods to expose malfeasance, incompetence or negligence.

Instead of ignoring and intimidating whistle-blowers, Congress and the executive

branch would do well to follow the example of the Continental Congress, by supporting and shielding them.

Stephen M. Kohn is the executive director of the National Whistleblowers Center and the author of "The Whistleblower's Handbook: A Step-by-Step Guide to Doing What's Right and Protecting Yourself."

From: McClain, Robert
To: [Oakland Field Office](#)
Subject: NY Times Article
Date: Wednesday, June 8, 2011 11:11:47 AM

June 7, 2011

After 40 Years, the Complete Pentagon Papers

By [MICHAEL COOPER](#) and [SAM ROBERTS](#)

It may be a first in the annals of government secrecy: Declassifying documents to mark the anniversary of their leak to the press. But that is what will happen Monday, when the federal government plans to finally release the secret government study of the Vietnam War known as the Pentagon Papers 40 years after it was first published by The New York Times.

At first blush, it sounds like [the release](#) of one of the worst-kept secrets in history — finally unlocking the barn door four decades after the horses bolted. The study, after all, has already been published by The Times and other newspapers, resulting in a landmark First Amendment decision by the Supreme Court. It has been released in book form more than once. But it turns out that those texts have been incomplete: When all 7,000 pages are released Monday, officials say, the study can finally be read in its original form.

That it took until the era of WikiLeaks for the government to declassify the [Pentagon Papers](#) struck some participants as, to say the least, curious.

“It’s absurd,” said [Daniel Ellsberg](#), the former RAND Corporation analyst who worked on the report and later provided it to The Times. He said Tuesday that the report should not have been secret even in 1971, when newspapers first published it, adding: “The reasons are very clearly domestic political reasons, not national security at all. The reasons for the prolonged secrecy are to conceal the fact that so much of the policy making doesn’t bear public examination. It’s embarrassing, or even incriminating.”

When [Mr. Ellsberg](#) first leaked the study, he had to take it volume by volume out of a safe in his office and ferry it to a small advertising company owned by the girlfriend of a colleague who had Xerox machine. Page by page, they copied it in all-night sessions. Now the [National Archives and Records Administration](#) will scan it and — behold — it will be online quickly.

Leslie H. Gelb, the president emeritus of the [Council on Foreign Relations](#), who was the director of the task force that wrote the report, said he was surprised it had remained officially classified all these years, after so much of it had been made public. “It should have been declassified a long, long time ago,” he said.

But the secrecy has persisted. Timothy Naftali, the director of the [Richard Nixon Presidential Library and Museum](#), said that when he recently put together an exhibit on Watergate, he wanted to display just the blue cover of the Pentagon Papers report. “I was told that the cover was classified,” he said, adding that he was astounded.

There is intrigue even in the release itself. Archivists touched off a new round of feverish speculation when they originally announced that 11 never-before-published words of the 7,000-page report would remain redacted all these years later, only to reverse themselves and announce Tuesday that the 11 words would be published after all.

[So what were the mysterious 11 words?](#)

Archivists originally joked that they would hold a Mad Libs contest, to see who could guess them. But even though the 11 words will be published after all, they have not said what they were — sparking a bit of a guessing game. Thomas S. Blanton, the director of the National Security Archive at George Washington University, said he guessed the words had something to do with intelligence capabilities, or references to people who are still alive who had been sources, or North Vietnamese diplomats.

“The criticism of their redacting the 11 words in the first place is that it’s self-defeating,” Mr. Blanton said. “You’re just flagging them for everyone to identify what they are.”

The bigger question is what new material will be made public for the first time. Several archivists who have seen the complete report declined invitations to repeat history and leak the full version of the Pentagon Papers to The Times. But there are some indications of what will be in it.

Until now, the complete text of the report — officially known as the Report of the O.S.D. Vietnam Task Force — has been as elusive to researchers as a clean copy of Hamlet has been to generations of Shakespeare scholars. The version Mr. Ellsberg provided to the press was incomplete. A book published by Beacon Press, based on a copy from Senator Mike Gravel, Democrat of Alaska, had missing sections. And a version published by the government was heavily redacted.

When Mr. Ellsberg originally leaked the Pentagon Papers, he did so because he wanted to stop the Vietnam War — so he left out sections about peace negotiations with North Vietnam. “I omitted them because I thought that Nixon would use the release as an excuse for breaking off negotiations with North Vietnam,” he said in an interview. “I frankly didn’t want to give him that excuse.”

Those sections about the negotiations had been declassified for years. But they will now appear in the context in which they were first written, along with several volumes that have not been published, including a section on the United States training the Vietnamese national army, a statistical survey of the war from 1965 to 1967 and some supporting documents.

Mr. Gelb said he thought the depth of the reports had been exaggerated over time, and noted that his team was extremely limited in what it was able to draw on to produce them.

“They are almost catch-as-catch-can studies based on available documents,” he said. “This thing was not meant to be in any sense a definitive history, or even a definitive bureaucratic history. It was just a history put together by very smart guys on the run.”

But Mr. Ellsberg said there were still plenty of lessons to be drawn.

“The rerelease of the Pentagon Papers is very timely, if anyone were to read it,” he said.

He said they demonstrate the wisdom of giving war-making powers to Congress — a power that he lamented has been increasingly usurped by the executive branch.

“It seems to me that what the Pentagon Papers really demonstrated 40 years ago was the price of that practice,” he said. “Which is that letting a small group of men in secret in the executive branch make these decisions — initiate them secretly, carry them out secretly and manipulate Congress, and lie to Congress and the public as to why they’re doing it and what they’re doing — is a recipe for, a guarantee of Vietnams and Iraqs and Libyas, and in general foolish, reckless, dangerous policies.”

Mr. Ellsberg said he wished more people would come forward to release information that could stop these wars, praising Pfc. Bradley E. Manning, the military intelligence analyst who is jailed on charges that he leaked a trove of government files to WikiLeaks.

“If he did what he’s accused of, then he’s my hero, because I’ve been waiting for somebody to do that for 40 years,” Mr. Ellsberg said. “And no one has.”

From: McClain, Robert
To: [Oakland Field Office](#); [Venier, Rachel](#)
Subject: WB Article
Date: Thursday, May 26, 2011 8:50:59 AM

From The Atlantic

<http://www.theatlanticwire.com/politics/2011/05/obamas-war-whistle-blowers/38106/>

Obama's War on Whistle-Blowers

By [John Hudson](#) May 24, 2011

The Justice Department's subpoena of *New York Times* reporter James Risen Monday was the latest sign of how aggressive the Obama administration is being in its campaign against government whistle-blowers. The purpose of Risen's subpoena is to force him to testify that Jeffrey Sterling, a former CIA agent, gave him confidential information about the CIA's efforts to sabotage Iran's nuclear program. The extent to which the administration is prosecuting leakers has troubled those who see leakers as speakers of truth to power. "In President Obama's 26 months in office, civilian and military prosecutors have charged five people in cases involving leaking information, more than all previous presidents combined," reports the *Times*. Here's a list of prominent leakers with various agendas currently under pressure from the government.

Thomas Drake A former senior executive at the National Security Agency, Drake is being charged under the Espionage Act of 1917 for leaking information to a *Baltimore Sun* reporter. In the aftermath of 9/11, Drake believed the agency was wasting its resources on a bloated surveillance system called Trailblazer, the NSA's largest project, instead of a cheaper, more efficient system called "Thin Thread." If the Thin Thread had been deployed, Drake told 60 Minutes the government could've prevented 9/11. Now, he could spend 35 years in prison for airing his grievances to the *Sun*. For more on Sterling, watch this segment from *60 Minutes* or check out this piece in *The New Yorker*.

Jeffrey Sterling A former CIA officer, Sterling was indicted in December for sharing information with an unnamed journalist about a secret operation to undermine unnamed countries' nuclear weapons programs. It's become clear that the journalist is James Risen. Though the information shared with him was not published by *The New York Times* (the government told the newspaper it could jeopardize national security) it was published in Risen's book *State of War: The Secret History of the CIA and the Bush Administration*, reports The New York Times.

Bradley Manning A former military analyst, Manning is suspected of leaking the massive trove of classified government documents to WikiLeaks. The cache is thought to include the 250,000 State Department cables, the footage of a July 2007 Baghdad airstrike and Iraq and Afghanistan war documents. In April he was transferred to Fort Leavenworth, a move reportedly linked to his rough treatment in solitary confinement. In April it was announced that Manning would no longer have to live in solitary confinement and could eat in the dining room with other inmates at the Kansas facility.

Shamai Leibowitz A former translator for the FBI, Leibowitz was sentenced for 20 months in prison for leaking classified documents to a blogger. It's not clear what information Leibowitz shared. According to court documents examined by *The Washington Post*, the information concerned "communication intelligence activities" and constituted a betrayal of the FBI. What he shared was apparently so top secret, not even the sentencing judge was told what he divulged. Leibowitz eventually plead guilty to his charges. "“This was a one-time mistake that happened to me when I worked at the FBI and saw things that I considered a violation of the law,” he said.

From: Ric Freeman
To: [Wise, Robert](#)
Subject: Last Chance: Application Security Tactics and Techniques for Your Agency
Date: Monday, May 23, 2011 9:32:35 AM

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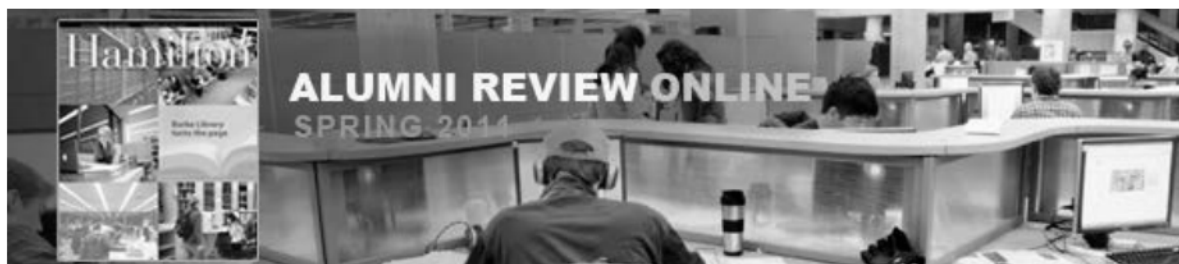


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Subject: WB Article
Date: Tuesday, May 17, 2011 9:13:03 AM

From *The New Yorker*...

http://www.newyorker.com/reporting/2011/05/23/110523fa_fact_mayer

A Reporter at Large

The Secret Sharer

Is Thomas Drake an enemy of the state?

by [Jane Mayer](#) May 23, 2011

Drake, a former senior executive at the National Security Agency, faces some of the gravest charges that can be brought against an American citizen. Photograph by Martin Schoeller.

On June 13th, a fifty-four-year-old former government employee named Thomas Drake is scheduled to appear in a courtroom in Baltimore, where he will face some of the gravest charges that can be brought against an American citizen. A former senior executive at the National Security Agency, the government's electronic-espionage service, he is accused, in essence, of being an enemy of the state. According to a ten-count indictment delivered against him in April, 2010, Drake violated the Espionage Act—the 1917 statute that was used to convict Aldrich Ames, the C.I.A. officer who, in the eighties and nineties, sold U.S. intelligence to the K.G.B., enabling the Kremlin to assassinate informants. In 2007, the indictment says, Drake willfully retained top-secret defense documents that he had sworn an oath to protect, sneaking them out of the intelligence agency's headquarters, at Fort Meade, Maryland, and taking them home, for the purpose of "unauthorized disclosure." The aim of this scheme, the indictment says, was to leak government secrets to an unnamed newspaper reporter, who is identifiable as Siobhan Gorman, of the Baltimore *Sun*. Gorman wrote a prize-winning series of articles for the *Sun* about financial waste, bureaucratic dysfunction, and dubious legal practices in N.S.A. counterterrorism programs. Drake is also charged with obstructing justice and lying to federal law-enforcement agents. If he is convicted on all counts, he could receive a prison term of thirty-five years.

The government argues that Drake recklessly endangered the lives of American servicemen. "This is not an issue of benign documents," William M. Welch II, the senior litigation counsel who is prosecuting the case, argued at a hearing in March, 2010. The N.S.A., he went on, collects "intelligence for the soldier in the field. So when individuals go out and they harm that ability, our intelligence goes dark and our soldier in the field gets harmed."

Top officials at the Justice Department describe such leak prosecutions as almost obligatory. Lanny Breuer, the Assistant Attorney General who supervises the department's criminal division, told me, "You don't get to break the law and disclose classified information just because you want to." He added, "Politics should play no role in it whatsoever."

When President Barack Obama took office, in 2009, he championed the cause of government transparency, and spoke admiringly of whistle-blowers, whom he described as "often the best source of information about waste, fraud, and abuse in government." But the Obama Administration has pursued leak prosecutions with a surprising relentlessness. Including the Drake case, it has been using the Espionage Act to press criminal charges in five alleged instances of national-security leaks—more such prosecutions than have occurred in all previous Administrations

combined. The Drake case is one of two that Obama's Justice Department has carried over from the Bush years.

Gabriel Schoenfeld, a conservative political scientist at the Hudson Institute, who, in his book "Necessary Secrets" (2010), argues for more stringent protection of classified information, says, "Ironically, Obama has presided over the most draconian crackdown on leaks in our history—even more so than Nixon."

One afternoon in January, Drake met with me, giving his first public interview about this case. He is tall, with thinning sandy hair framing a domed forehead, and he has the erect bearing of a member of the Air Force, where he served before joining the N.S.A., in 2001. Obsessive, dramatic, and emotional, he has an unwavering belief in his own rectitude. Sitting at a Formica table at the Tastee Diner, in Bethesda, Drake—who is a registered Republican—groaned and thrust his head into his hands. "I actually had hopes for Obama," he said. He had not only expected the President to roll back the prosecutions launched by the Bush Administration; he had thought that Bush Administration officials would be investigated for overstepping the law in the "war on terror."

"But power is incredibly destructive," Drake said. "It's a weird, pathological thing. I also think the intelligence community coöpted Obama, because he's rather naïve about national security. He's accepted the fear and secrecy. We're in a scary space in this country."

The Justice Department's indictment narrows the frame around Drake's actions, focussing almost exclusively on his handling of what it claims are five classified documents. But Drake sees his story as a larger tale of political reprisal, one that he fears the government will never allow him to air fully in court. "I'm a target," he said. "I've got a bull's-eye on my back." He continued, "I did not tell secrets. I am facing prison for having raised an alarm, period. I went to a reporter with a few key things: fraud, waste, and abuse, and the fact that there were legal alternatives to the Bush Administration's 'dark side' "—in particular, warrantless domestic spying by the N.S.A.

The indictment portrays him not as a hero but as a treacherous man who violated "the government trust." Drake said of the prosecutors, "They can say what they want. But the F.B.I. can find something on anyone."

Steven Aftergood, the director of the Project on Government Secrecy at the Federation of American Scientists, says of the Drake case, "The government wants this to be about unlawfully retained information. The defense, meanwhile, is painting a picture of a public-interested whistle-blower who struggled to bring attention to what he saw as multibillion-dollar mismanagement." Because Drake is not a spy, Aftergood says, the case will "test whether intelligence officers can be convicted of violating the Espionage Act even if their intent is pure." He believes that the trial may also test whether the nation's expanding secret intelligence bureaucracy is beyond meaningful accountability. "It's a much larger debate than whether a piece of paper was at a certain place at a certain time," he says.

Jack Balkin, a liberal law professor at Yale, agrees that the increase in leak prosecutions is part of a larger transformation. "We are witnessing the bipartisan normalization and legitimization of a national-surveillance state," he says. In his view, zealous leak prosecutions are consonant with other political shifts since 9/11: the emergence of a vast new security bureaucracy, in which at least two and a half million people hold confidential, secret, or top-secret clearances; huge expenditures on electronic monitoring, along with a reinterpretation of the law in order to sanction it; and corporate partnerships with the government that have transformed the counterterrorism industry into a powerful lobbying force. Obama, Balkin says, has "systematically adopted policies consistent with the second term of the Bush Administration."

On March 28th, Obama held a meeting in the White House with five advocates for greater transparency in government. During the discussion, the President drew a sharp distinction between whistle-blowers who exclusively reveal wrongdoing and those who jeopardize national security. The importance of maintaining secrecy about the impending raid on Osama bin Laden's compound was likely on Obama's mind. The White House has been particularly bedevilled by the ongoing release of classified documents by WikiLeaks, the group led by Julian Assange. Last year, WikiLeaks began releasing a vast trove of sensitive government documents allegedly leaked by a U.S.

soldier, Bradley Manning; the documents included references to a courier for bin Laden who had moved his family to Abbottabad—the town where bin Laden was hiding out. Manning has been charged with “aiding the enemy.”

Danielle Brian, the executive director of the Project on Government Oversight, attended the meeting, and said that Obama’s tone was generally supportive of transparency. But when the subject of national-security leaks came up, Brian said, “the President shifted in his seat and leaned forward. He said this may be where we have some differences. He said he doesn’t want to protect the people who leak to the media war plans that could impact the troops.” Though Brian was impressed with Obama’s over-all stance on transparency, she felt that he might be misinformed about some of the current leak cases. She warned Obama that prosecuting whistle-blowers would undermine his legacy. Brian had been told by the White House to avoid any “ask”s on specific issues, but she told the President that, according to his own logic, Drake was exactly the kind of whistle-blower who deserved protection.

As Drake tells it, his problems began on September 11, 2001. “The next seven weeks were crucial,” he said. “It’s foundational to why I am a criminal defendant today.”

The morning that Al Qaeda attacked the U.S. was, coincidentally, Drake’s first full day of work as a civilian employee at the N.S.A.—an agency that James Bamford, the author of “The Shadow Factory” (2008), calls “the largest, most costly, and most technologically sophisticated spy organization the world has ever known.” Drake, a linguist and a computer expert with a background in military crypto-electronics, had worked for twelve years as an outside contractor at the N.S.A. Under a program code-named Jackpot, he focussed on finding and fixing weaknesses in the agency’s software programs. But, after going through interviews and background checks, he began working full time for Maureen Baginski, the chief of the Signals Intelligence Directorate at the N.S.A., and the agency’s third-highest-ranking official.

Even in an age in which computerized feats are commonplace, the N.S.A.’s capabilities are breathtaking. The agency reportedly has the capacity to intercept and download, every six hours, electronic communications equivalent to the contents of the Library of Congress. Three times the size of the C.I.A., and with a third of the U.S.’s entire intelligence budget, the N.S.A. has a five-thousand-acre campus at Fort Meade protected by iris scanners and facial-recognition devices. The electric bill there is said to surpass seventy million dollars a year.

Nevertheless, when Drake took up his post the agency was undergoing an identity crisis. With the Cold War over, the agency’s mission was no longer clear. As Drake puts it, “Without the Soviet Union, it didn’t know what to do.” Moreover, its technology had failed to keep pace with the shift in communications to cellular phones, fibre-optic cable, and the Internet. Two assessments commissioned by General Michael Hayden, who took over the agency in 1999, had drawn devastating conclusions. One described the N.S.A. as “an agency mired in bureaucratic conflict” and “suffering from poor leadership.” In January, 2000, the agency’s computer system crashed for three and a half days, causing a virtual intelligence blackout.

Agency leaders decided to “stir up the gene pool,” Drake says. Although his hiring was meant to signal fresh thinking, he was given a clumsy bureaucratic title: Senior Change Leader/Chief, Change Leadership & Communications Office, Signals Intelligence Directorate.

The 9/11 attacks caught the U.S.’s national-security apparatus by surprise. N.S.A. officials were humiliated to learn that the Al Qaeda hijackers had spent their final days, undetected, in a motel in Laurel, Maryland—a few miles outside the N.S.A.’s fortified gates. They had bought a folding knife at a Target on Fort Meade Road. Only after the attacks did agency officials notice that, on September 10th, their surveillance systems had intercepted conversations in Afghanistan and Saudi Arabia warning that “the match begins tomorrow” and “tomorrow is Zero Hour.”

Drake, hoping to help fight back against Al Qaeda, immediately thought of a tantalizing secret project he had come

across while working on Jackpot. Code-named ThinThread, it had been developed by technological wizards in a kind of Skunk Works on the N.S.A. campus. Formally, the project was supervised by the agency's Signals Intelligence Automation Research Center, or SARC.

While most of the N.S.A. was reeling on September 11th, inside SARC the horror unfolded "almost like an 'I-told-you-so' moment," according to J. Kirk Wiebe, an intelligence analyst who worked there. "We knew we weren't keeping up." SARC was led by a crypto-mathematician named Bill Binney, whom Wiebe describes as "one of the best analysts in history." Binney and a team of some twenty others believed that they had pinpointed the N.S.A.'s biggest problem—data overload—and then solved it. But the agency's management hadn't agreed.

Binney, who is six feet three, is a bespectacled sixty-seven-year-old man with wisps of dark hair; he has the quiet, tense air of a preoccupied intellectual. Now retired and suffering gravely from diabetes, which has already claimed his left leg, he agreed recently to speak publicly for the first time about the Drake case. When we met, at a restaurant near N.S.A. headquarters, he leaned crutches against an extra chair. "This is too serious not to talk about," he said.

Binney expressed terrible remorse over the way some of his algorithms were used after 9/11. ThinThread, the "little program" that he invented to track enemies outside the U.S., "got twisted," and was used for both foreign and domestic spying: "I should apologize to the American people. It's violated everyone's rights. It can be used to eavesdrop on the whole world." According to Binney, Drake took his side against the N.S.A.'s management and, as a result, became a political target within the agency.

Binney spent most of his career at the agency. In 1997, he became the technical director of the World Geopolitical and Military Analysis Reporting Group, a division of six thousand employees which focusses on analyzing signals intelligence. By the late nineties, the N.S.A. had become overwhelmed by the amount of digital data it was collecting. Binney and his team began developing codes aimed at streamlining the process, allowing the agency to isolate useful intelligence. This was the beginning of ThinThread.

In the late nineties, Binney estimated that there were some two and a half billion phones in the world and one and a half billion I.P. addresses. Approximately twenty terabytes of unique information passed around the world every minute. Binney started assembling a system that could trap and map all of it. "I wanted to graph the world," Binney said. "People said, 'You can't do this—the possibilities are infinite.' " But he argued that "at any given point in time the number of atoms in the universe is big, but it's finite."

As Binney imagined it, ThinThread would correlate data from financial transactions, travel records, Web searches, G.P.S. equipment, and any other "attributes" that an analyst might find useful in pinpointing "the bad guys." By 2000, Binney, using fibre optics, had set up a computer network that could chart relationships among people in real time. It also turned the N.S.A.'s data-collection paradigm upside down. Instead of vacuuming up information around the world and then sending it all back to headquarters for analysis, ThinThread processed information as it was collected—discarding useless information on the spot and avoiding the overload problem that plagued centralized systems. Binney says, "The beauty of it is that it was open-ended, so it could keep expanding."

Pilot tests of ThinThread proved almost too successful, according to a former intelligence expert who analyzed it. "It was nearly perfect," the official says. "But it processed such a large amount of data that it picked up more Americans than the other systems." Though ThinThread was intended to intercept foreign communications, it continued documenting signals when a trail crossed into the U.S. This was a big problem: federal law forbade the monitoring of domestic communications without a court warrant. And a warrant couldn't be issued without probable cause and a known suspect. In order to comply with the law, Binney installed privacy controls and added an "anonymizing feature," so that all American communications would be encrypted until a warrant was issued. The system would indicate when a pattern looked suspicious enough to justify a warrant.

But this was before 9/11, and the N.S.A.'s lawyers deemed ThinThread too invasive of Americans' privacy. In addition, concerns were raised about whether the system would function on a huge scale, although preliminary tests had suggested that it would. In the fall of 2000, Hayden decided not to use ThinThread, largely because of his legal advisers' concerns. Instead, he funded a rival approach, called Trailblazer, and he turned to private defense contractors to build it. Matthew Aid, the author of a heralded 2009 history of the agency, "The Secret Sentry," says, "The resistance to ThinThread was just standard bureaucratic politics. ThinThread was small, cost-effective, easy to understand, and protected the identity of Americans. But it wasn't what the higher-ups wanted. They wanted a big machine that could make Martinis, too."

The N.S.A.'s failure to stop the 9/11 plot infuriated Binney: he believed that ThinThread had been ready to deploy nine months earlier. Working with N.S.A. counterterrorism experts, he had planned to set up his system at sites where foreign terrorism was prevalent, including Afghanistan and Pakistan. "Those bits of conversations they found too late?" Binney said. "That would have never happened. I had it managed in a way that would send out automatic alerts. It would have been, Bang!"

Meanwhile, there was nothing to show for Trailblazer, other than mounting bills. As the system stalled at the level of schematic drawings, top executives kept shuttling between jobs at the agency and jobs with the high-paying contractors. For a time, both Hayden's deputy director and his chief of signals-intelligence programs worked at SAIC, a company that won several hundred million dollars in Trailblazer contracts. In 2006, Trailblazer was abandoned as a \$1.2-billion flop.

Soon after 9/11, Drake says, he prepared a short, classified summary explaining how ThinThread "could be put into the fight," and gave it to Baginski, his boss. But he says that she "wouldn't respond electronically. She just wrote in a black felt marker, 'They've found a different solution.' " When he asked her what it was, she responded, "I can't tell you." Baginski, who now works for a private defense contractor, recalls her interactions with Drake differently, but she declined to comment specifically.

In the weeks after the attacks, rumors began circulating inside the N.S.A. that the agency, with the approval of the Bush White House, was violating the Foreign Intelligence Surveillance Act—the 1978 law, known as FISA, that bars domestic surveillance without a warrant. Years later, the rumors were proved correct. In nearly total secrecy, and under pressure from the White House, Hayden sanctioned warrantless domestic surveillance. The new policy, which lawyers in the Justice Department justified by citing President Bush's executive authority as Commander-in-Chief, contravened a century of constitutional case law. Yet, on October 4, 2001, Bush authorized the policy, and it became operational by October 6th. Bamford, in "The Shadow Factory," suggests that Hayden, having been overcautious about privacy before 9/11, swung to the opposite extreme after the attacks. Hayden, who now works for a security-consulting firm, declined to respond to detailed questions about the surveillance program.

When Binney heard the rumors, he was convinced that the new domestic-surveillance program employed components of ThinThread: a bastardized version, stripped of privacy controls. "It was my brainchild," he said. "But they removed the protections, the anonymization process. When you remove that, you can target anyone." He said that although he was not "read in" to the new secret surveillance program, "my people were brought in, and they told me, 'Can you believe they're doing this? They're getting billing records on U.S. citizens! They're putting pen registers' "—logs of dialled phone numbers—" 'on everyone in the country!' "

Drake recalled that, after the October 4th directive, "strange things were happening. Equipment was being moved. People were coming to me and saying, 'We're now targeting our own country!' " Drake says that N.S.A. officials who helped the agency obtain FISA warrants were suddenly reassigned, a tipoff that the conventional process was being circumvented. He added, "I was concerned that it was illegal, and none of it was necessary." In his view, domestic data mining "could have been done legally" if the N.S.A. had maintained privacy protections. "But they didn't want an accountable system."

Aid, the author of the N.S.A. history, suggests that ThinThread's privacy protections interfered with top officials' secret objective—to pick American targets by name. "They wanted selection, not just collection," he says.

A former N.S.A. official expressed skepticism that Drake cared deeply about the constitutional privacy issues raised by the agency's surveillance policies. The official characterizes him as a bureaucrat driven by resentment of a rival project—Trailblazer—and calls his story "revisionist history." But Drake says that, in the fall of 2001, he told Baginski he feared that the agency was breaking the law. He says that to some extent she shared his views, and later told him she feared that the agency would be "haunted" by the surveillance program. In 2003, she left the agency for the F.B.I., in part because of her discomfort with the surveillance program. Drake says that, at one point, Baginski told him that if he had concerns he should talk to the N.S.A.'s general counsel. Drake claims that he did, and that the agency's top lawyer, Vito Potenza, told him, "Don't worry about it. We're the executive agent for the White House. It's all been scrubbed. It's legal." When he pressed further, Potenza told him, "It's none of your business." (Potenza, who is now retired, declined to comment.)

Drake says, "I feared for the future. If Pandora's box was opened, what would the government become?" He was not about to drop the matter. Matthew Aid, who describes Drake as "brilliant," says that "he has sort of a Jesus complex—only he can see the way things are. Everyone else is mentally deficient, or in someone's pocket." Drake's history of whistle-blowing stretches back to high school, in Manchester, Vermont, where his father, a retired Air Force officer, taught. When drugs infested the school, Drake became a police informant. And Watergate, which occurred while he was a student, taught him "that no one is above the law."

Drake says that in the Air Force, where he learned to capture electronic signals, the FISA law "was drilled into us." He recalls, "If you accidentally intercepted U.S. persons, there were special procedures to expunge it." The procedures had been devised to prevent the recurrence of past abuses, such as Nixon's use of the N.S.A. to spy on his political enemies.

Drake didn't know the precise details, but he sensed that domestic spying "was now being done on a vast level." He was dismayed to hear from N.S.A. colleagues that "arrangements" were being made with telecom and credit-card companies. He added, "The mantra was 'Get the data!'" The transformation of the N.S.A., he says, was so radical that "it wasn't just that the brakes came off after 9/11—we were in a whole different vehicle."

Few people have a precise knowledge of the size or scope of the N.S.A.'s domestic-surveillance powers. An agency spokesman declined to comment on how the agency "performs its mission," but said that its activities are constitutional and subject to "comprehensive and rigorous" oversight. But Susan Landau, a former engineer at Sun Microsystems, and the author of a new book, "Surveillance or Security?," notes that, in 2003, the government placed equipment capable of copying electronic communications at locations across America. These installations were made, she says, at "switching offices" that not only connect foreign and domestic communications but also handle purely domestic traffic. As a result, she surmises, the U.S. now has the capability to monitor domestic traffic on a huge scale. "Why was it done this way?" she asks. "One can come up with all sorts of nefarious reasons, but one doesn't want to think that way about our government."

Binney, for his part, believes that the agency now stores copies of all e-mails transmitted in America, in case the government wants to retrieve the details later. In the past few years, the N.S.A. has built enormous electronic-storage facilities in Texas and Utah. Binney says that an N.S.A. e-mail database can be searched with "dictionary selection," in the manner of Google. After 9/11, he says, "General Hayden reassured everyone that the N.S.A. didn't put out dragnets, and that was true. It had no need—it was getting every fish in the sea."

Binney considers himself a conservative, and, as an opponent of big government, he worries that the N.S.A.'s data-mining program is so extensive that it could help "create an Orwellian state." Whereas wiretap surveillance requires trained human operators, data mining is automated, meaning that the entire country can be watched. Conceivably, U.S. officials could "monitor the Tea Party, or reporters, whatever group or organization you want to target," he says. "It's exactly what the Founding Fathers never wanted."

On October 31, 2001, soon after Binney concluded that the N.S.A. was headed in an unethical direction, he retired. He had served for thirty-six years. His wife worked there, too. Wiebe, the analyst, and Ed Loomis, a computer scientist at SARC, also left. Binney said of his decision, "I couldn't be an accessory to subverting the Constitution."

Not long after Binney quit the N.S.A., he says, he confided his concerns about the secret surveillance program to Diane Roark, a staff member on the House Permanent Select Committee on Intelligence, which oversees the agency. Roark, who has flowing gray hair and large, wide-set eyes, looks like a waifish poet. But in her intelligence-committee job, which she held for seventeen years, she modelled herself on Machiavelli's maxim that it is better to be feared than loved. Within the N.S.A.'s upper ranks she was widely resented. A former top N.S.A. official says of her, "In meetings, she would just say, 'You're lying.' "

Roark agrees that she distrusted the N.S.A.'s managers. "I asked very tough questions, because they were trying to hide stuff," she says. "For instance, I wasn't supposed to know about the warrantless surveillance. They were all determined that no one else was going to tell them what to do."

Like Drake and Binney, Roark was a registered Republican, skeptical about bureaucracy but strong on national defense. She had a knack for recruiting sources at the N.S.A. One of them was Drake, who introduced himself to her in 2000, after she visited N.S.A. headquarters and gave a stinging talk on the agency's failings; she also established relationships with Binney and Wiebe. Hayden was furious about this back channel. After learning that Binney had attended a meeting with Roark at which N.S.A. employees complained about Trailblazer, Hayden dressed down the critics. He then sent out an agency-wide memo, in which he warned that several "individuals, in a session with our congressional overseers, took a position in direct opposition to one that we had corporately decided to follow. . . . Actions contrary to our decisions will have a serious adverse effect on our efforts to transform N.S.A., and I cannot tolerate them." Roark says of the memo, "Hayden brooked no opposition to his favorite people and programs."

Roark, who had substantial influence over N.S.A. budget appropriations, was an early champion of Binney's ThinThread project. She was dismayed, she says, to hear that it had evolved into a means of domestic surveillance, and felt personally responsible. Her oversight committee had been created after Watergate specifically to curb such abuses. "It was my duty to oppose it," she told me. "That is why oversight existed, so that these things didn't happen again. I'm not an attorney, but I thought that there was no way it was constitutional." Roark recalls thinking that, if N.S.A. officials were breaking the law, she was "going to fry them."

She soon learned that she was practically alone in her outrage. Very few congressional leaders had been briefed on the program, and some were apparently going along with it, even if they had reservations. Starting in February, 2002, Roark says, she wrote a series of memos warning of potential illegalities and privacy breaches and handed them to the staffers for Porter Goss, the chairman of her committee, and Nancy Pelosi, its ranking Democrat. But nothing changed. (Pelosi's spokesman denied that she received such memos, and pointed out that a year earlier Pelosi had written to Hayden and expressed grave concerns about the N.S.A.'s electronic surveillance.)

Roark, feeling powerless, retired. Before leaving Washington, though, she learned that Hayden, who knew of her strong opposition to the surveillance program, wanted to talk to her. They met at N.S.A. headquarters on July 15, 2002. According to notes that she made after the meeting, Hayden pleaded with her to stop agitating against the program. He conceded that the policy would leak at some point, and told her that when it did she could "yell and scream" as much as she wished. Meanwhile, he wanted to give the program more time. She asked Hayden why the N.S.A. had chosen not to include privacy protections for Americans. She says that he "kept not answering. Finally, he mumbled, and looked down, and said, 'We didn't need them. We had the power.' He didn't even look me in the eye. I was flabbergasted." She asked him directly if the government was getting warrants for domestic surveillance, and he admitted that it was not.

In an e-mail, Hayden confirmed that the meeting took place, but said that he recalled only its "broad outlines." He noted that Roark was not "cleared to know about the expanded surveillance program, so I did not go into great

detail.” He added, “I assured her that I firmly believed that what N.S.A. was doing was effective, appropriate, and lawful. I also reminded her that the program’s success depended on it remaining secret, that it was appropriately classified, and that any public discussion of it would have to await a later day.”

During the meeting, Roark says, she warned Hayden that no court would uphold the program. Curiously, Hayden responded that he had already been assured by unspecified individuals that he could count on a majority of “the nine votes”—an apparent reference to the Supreme Court. According to Roark’s notes, Hayden told her that such a vote might even be 7–2 in his favor.

Roark couldn’t believe that the Supreme Court had been adequately informed of the N.S.A.’s transgressions, and she decided to alert Chief Justice William H. Rehnquist, sending a message through a family friend. Once again, there was no response. She also tried to contact a judge on the FISA court, in Washington, which adjudicates requests for warrants sanctioning domestic surveillance of suspected foreign agents. But the judge had her assistant refer the call to the Department of Justice, which had approved the secret program in the first place. Roark says that she even tried to reach David Addington, the legal counsel to Vice-President Dick Cheney, who had once been her congressional colleague. He never called back, and Addington was eventually revealed to be one of the prime advocates for the surveillance program.

“This was such a Catch-22,” Roark says. “There was no one to go to.” In October, 2003, feeling “profoundly depressed,” she left Washington and moved to a small town in Oregon.

Drake was still working at the N.S.A., but he was secretly informing on the agency to Congress. In addition to briefing Roark, he had become an anonymous source for the congressional committees investigating intelligence failures related to 9/11. He provided Congress with top-secret documents chronicling the N.S.A.’s shortcomings. Drake believed that the agency had failed to feed other intelligence agencies critical information that it had collected before the attacks. Congressional investigators corroborated these criticisms, though they found greater lapses at the C.I.A. and the F.B.I.

Around this time, Drake recalls, Baginski warned him, “Be careful, Tom—they’re looking for leakers.” He found this extraordinary, and asked himself, “Telling the truth to congressional oversight committees is leaking?” But the N.S.A. has a rule requiring employees to clear any contact with Congress, and in the spring of 2002 Baginski told Drake, “It’s time for you to find another job.” He soon switched to a less sensitive post at the agency, the first of several.

As for Binney, he remained frustrated even in retirement about what he considered the misuse of ThinThread. In September, 2002, he, Wiebe, Loomis, and Roark filed what they thought was a confidential complaint with the Pentagon’s Inspector General, extolling the virtues of the original ThinThread project and accusing the N.S.A. of wasting money on Trailblazer. Drake did not put his name on the complaint, because he was still an N.S.A. employee. But he soon became involved in helping the others, who had become friends. He obtained documents aimed at proving waste, fraud, and abuse in the Trailblazer program.

The Inspector General’s report, which was completed in 2005, was classified as secret, so only a few insiders could read what Drake describes as a scathing document. Possibly the only impact of the probe was to hasten the end of Trailblazer, whose budget overruns had become indisputably staggering. Though Hayden acknowledged to a Senate committee that the costs of the Trailblazer project “were greater than anticipated, to the tune of, I would say, hundreds of millions,” most of the scandal’s details remained hidden from the public.

In December, 2005, the N.S.A.’s culture of secrecy was breached by a stunning leak. The *Times* reporters James Risen and Eric Lichtblau revealed that the N.S.A. was running a warrantless wiretapping program inside the United States. The paper’s editors had held onto the scoop for more than a year, weighing the propriety of publishing it. According to Bill Keller, the executive editor of the *Times*, President Bush pleaded with the paper’s editors to not publish the story; Keller told *New York* that “the basic message was: You’ll have blood on your hands.” After the

paper defied the Administration, Bush called the leak “a shameful act.” At his command, federal agents launched a criminal investigation to identify the paper’s source.

The *Times* story shocked the country. Democrats, including then Senator Obama, denounced the program as illegal and demanded congressional hearings. A FISA court judge resigned in protest. In March, 2006, Mark Klein, a retired A.T. & T. employee, gave a sworn statement to the Electronic Frontier Foundation, which was filing a lawsuit against the company, describing a secret room in San Francisco where powerful Narus computers appeared to be sorting and copying all of the telecom’s Internet traffic—both foreign and domestic. A high-capacity fibre-optic cable seemed to be forwarding this data to a centralized location, which, Klein surmised, was N.S.A. headquarters. Soon, *USA Today* reported that A.T. & T., Verizon, and BellSouth had secretly opened their electronic records to the government, in violation of communications laws. Legal experts said that each instance of spying without a warrant was a serious crime, and that there appeared to be hundreds of thousands of infractions.

President Bush and Administration officials assured the American public that the surveillance program was legal, although new legislation was eventually required to bring it more in line with the law. They insisted that the traditional method of getting warrants was too slow for the urgent threats posed by international terrorism. And they implied that the only domestic surveillance taking place involved tapping phone calls in which one speaker was outside the U.S.

Drake says of Bush Administration officials, “They were lying through their teeth. They had chosen to go an illegal route, and it wasn’t because they had no other choice.” He also believed that the Administration was covering up the full extent of the program. “The phone calls were the tip of the iceberg. The really sensitive stuff was the data mining.” He says, “I was faced with a crisis of conscience. What do I do—remain silent, and complicit, or go to the press?”

Drake has a wife and five sons, the youngest of whom has serious health problems, and so he agonized over the decision. He researched the relevant legal statutes and concluded that if he spoke to a reporter about unclassified matters the only risk he ran was losing his job. N.S.A. policy forbids initiating contact with the press. “I get that it’s grounds for ‘We have to let you go,’ ” he says. But he decided that he was willing to lose his job. “This was a violation of everything I knew and believed as an American. We were making the Nixon Administration look like pikers.”

Drake got in touch with Gorman, who covered the N.S.A. for the *Baltimore Sun*. He had admired an article of hers and knew that Roark had spoken to her previously, though not about anything classified. He got Gorman’s contact information from Roark, who warned him to be careful. She knew that in the past the N.S.A. had dealt harshly with people who embarrassed it.

Drake set up a secure Hushmail e-mail account and began sending Gorman anonymous tips. Half in jest, he chose the pseudonym The Shadow Knows. He says that he insisted on three ground rules with Gorman: neither he nor she would reveal his identity; he wouldn’t be the sole source for any story; he would not supply her with classified information. But a year into the arrangement, in February, 2007, Drake decided to blow his cover, surprising Gorman by showing up at the newspaper and introducing himself as The Shadow Knows. He ended up meeting with Gorman half a dozen times. But, he says, “I never gave her anything classified.” Gorman has not been charged with wrongdoing, and declined, through her lawyer, Laura Handman, to comment, citing the pending trial.

Starting on January 29, 2006, Gorman, who now works at the *Wall Street Journal*, published a series of articles about problems at the N.S.A., including a story describing Trailblazer as an expensive fiasco. On May 18, 2006, the day that Hayden faced Senate confirmation hearings for a new post—the head of the C.I.A.—the *Sun* published Gorman’s exposé on ThinThread, which accused the N.S.A. of rejecting an approach that protected Americans’ privacy. Hayden, evidently peeved, testified that intelligence officers deserved “not to have every action analyzed, second-guessed, and criticized on the front pages of the newspapers.”

At the time, the government did not complain that the *Sun* had crossed a legal line. It did not contact the paper's editors or try to restrain the paper from publishing Gorman's work. A former N.S.A. colleague of Drake's says he believes that the *Sun* stories revealed government secrets. Others disagree. Steven Aftergood, the secrecy expert, says that the articles "did not damage national security."

Matthew Aid argues that the material Drake provided to the *Sun* should not have been highly classified—if it was—and in any case only highlighted that "the N.S.A. was a management nightmare, which wasn't a secret in Washington." In his view, Drake "was just saying, 'We're not doing our job, and it's having a deleterious effect on mission performance.' He was right, by the way." The *Sun* series, Aid says, was "embarrassing to N.S.A. management, but embarrassment to the U.S. government is not a criminal offense in this country." (Aid has a stake in this debate. In 1984, when he was in the Air Force, he spent several months in the stockade for having stored classified documents in a private locker. The experience, he says, sensitized him to issues of government secrecy.)

While the *Sun* was publishing its series, twenty-five federal agents and five prosecutors were struggling to identify the *Times*' source. The team had targeted some two hundred possible suspects, but had found no culprits. The *Sun* series attracted the attention of the investigators, who theorized that its source might also have talked to the *Times*. This turned out not to be true. Nevertheless, the investigators quickly homed in on the Trailblazer critics. "It's sad," an intelligence expert says. "I think they were aiming at the *Times* leak and found this instead."

Roark was an obvious suspect for the *Times* leak. Everyone from Hayden on down knew that she had opposed the surveillance program. After the article appeared, she says, "I was waiting for the shoe to drop." The F.B.I. eventually contacted her, and in February, 2007, she and her attorney met with the prosecutor then in charge, Steven Tyrrell, who was the head of the fraud section at the Justice Department. Roark signed an affidavit saying that she was not a source for the *Times* story or for "State of War," a related book that James Risen wrote. She also swore that she had no idea who the source was. She says of the experience, "It was an interrogation, not an interview. They treated me like a target."

Roark recalls that the F.B.I. agents tried to force her to divulge the identity of her old N.S.A. informants. They already seemed to know about Drake, Binney, and Wiebe—perhaps from the Inspector General's report. She refused to cooperate, arguing that it was improper for agents of the executive branch to threaten a congressional overseer about her sources. "I had the sense that N.S.A. was egging the F.B.I. on," she says. "I'd gotten the N.S.A. so many times—they were going to get me. The N.S.A. hated me." (The N.S.A. and the Justice Department declined to comment on the investigations.)

In the months that followed, Roark heard nothing. Finally, her lawyer placed the case in her "dead file."

On July 26, 2007, at 9 A.M. Eastern Standard Time, armed federal agents simultaneously raided the houses of Binney, Wiebe, and Roark. (At Roark's house, in Oregon, it was six o'clock.) Binney was in the shower when agents arrived, and recalls, "They went right upstairs to the bathroom and held guns on me and my wife, right between the eyes." The agents took computer equipment, a copy of the Inspector General complaint and a copy of a commercial pitch that Binney had written with Wiebe, Loomis, and Roark. In 2001, the N.S.A. indicated to Binney that he could pursue commercial projects based on ThinThread. He and the others thought that aspects of the software could be used to help detect Medicare fraud.

Binney professed his innocence, and he says that the agents told him, "We think you're lying. You need to implicate someone." He believed that they were trying to get him to name Roark as the *Times*' source. He suggested that if they were looking for criminal conspirators they should focus on Bush and Hayden for allowing warrantless surveillance. Binney recalls an agent responding that such brazen spying didn't happen in America. Looking over the rims of his owlish glasses, Binney replied, "Oh, really?"

Roark was sleeping when the agents arrived, and didn't hear them until "it sounded as if they were going to pull the